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THE  
COLONIAL L  
OF  
NEW YORK

FROM THE  
YEAR 1664 TO THE REVOC

INCLUDING THE  
CHARTERS TO THE DUKE OF YORK, THE COM  
STRUCTIONS TO COLONIAL GOVERNORS, THE  
THE LAWS OF THE DONGAN AND LEISL  
BLIES, THE CHARTERS OF ALBANY AN  
YORK AND THE ACTS OF THE CC  
NIAL LEGISLATURES FROM 1691  
TO 1775 INCLUSIVE.

VOLUME III.

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TRANSMITTED TO THE LEGISLATURE BY THE COMMISSIO  
REVISION, PURSUANT TO CHAPTER 125 OF THE LA

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## THE TWENTY-FIRST ASSEMBLY.

### *Second Session.*

[**Begun** Aug. 29, 1738, 12 George II, George Clarke, Lieut. Governor.)

[No acts were passed at this session.]

## THE TWENTY-SECOND ASSEMBLY.

### *First Session.*

[**Begun** Mch. 27, 1739, 12 George II, George Clarke, Lieut. Governor.)

### [CHAPTER 673.]

[Chapter 673 of Livingston & Smith and Van Schaack, where the act is printed in full. Livingston & Smith and Van Schaack state that the act was passed September 14, 1739. The original law gives the date of the passage as April 14, 1739. From the Minutes of the Council for April 14, 1739, it appears that the act was signed by the Governor on that date. [See Journals of Assembly, p. 754; Journals of Council, p. 730.] See chapter 547.]

**An Act to Revive an Act Entituled an act to Prevent Swine from Runing at Large in the City & County of New York the County of West Chester, Queens County, Kings County, and Richmond County,**

[Passed, April 14, 1739.]

**BE it Enacted** by his Honour the Lieutenant Governour the Council & General Assembly, and it is hereby Enacted by the Authority of the Same, That an Act Entituled an Act to prevent Swine from Runing at Large in the City and County of New York the County of West Chester Queens County, Kings County & Richmond County passed in the Fourth Year of his present Majestys reign Expired by its own Limitation, shall be, and hereby is Revived, and every Clause Article & thing therein contained to be and Remain of Force from the Publication hereof

## [CHAPTER 673a.]

[This act is not in Livingston & Smith or Van Schaack. The original law and the Minutes of the Assembly and Council give the date of passage as April 14, 1739. (See Journals of Assembly, p. 754; Journals of Council, p. 730.) See chapter 668.]

An Act for Reviving an Act entituled an Act for granting to his Majesty Several Duties towards Supporting his Government in this Colony for one Year, at the time and in the manner therein mentioned with Some Alterations thereto.

[Passed, April 14, 1739.]

BE it Enacted by his Honour the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, that one Act of General Assembly Entituled an Act for granting to his Majesty Several Duties towards Supporting his Government in this Colony for one year at the time & in the manner therein mentioned, Passed in the Eleventh year of the Reign of his present Majesty King George, expired by its own Limitation, Shall be and hereby is Revived, and every Clause Article & thing therein contained to be and remain of Full force & virtue from the first day of May in this present year one Thousand Seven hundred & thirty-nine, to the first day of December next following, both Inclusive, excepting only what by this Act shall be altered, added, or otherwise provided for

WHEREAS disputes have arose concerning Such Cacao as has been Imported by Invoices in Dutch Weight, BE it enacted by The Authority aforesaid, that on all Cacao which shall be Imported from the Commencement & During the Continuance of this Act, whereof the Invoices are in dutch Weight, there shall be an Allowance of Four per Cent, that is to Say, after the Rate of one Hundred and four pound Dutch Weight, for one Hundred & Twelve pound English weight

AND WHEREAS by the Act aforesaid, it was directed and Enacted, that of all Rum, Brandy, or distilled Liquors, and all other mix'd Liquors, whereof the greater Part is distilled Spirits, the Contents should be computed from the Original Invoice thereof, but is as much as that method has prov'd very Inconvenient

BE it Enacted by the Same Authority, that Instead of that method, there shall be a Sworn Gauger appointed by the Lieu-

## LAWS OF THE COLONY OF NEW YORK.

tenant Governour or Commander in chief for the Time being, and that the Duty on the Several Liquors aforesaid, Imported into the City of New York during the Continuance of this Act, shall be Calculated from the accounts which the said Sworn Gauger shall Render of the Net Contents thereof to the Treasurer and the said Gauger is hereby obliged & required from time to time to Deliver such accounts Together with the names of the Vessels, Masters, & Importers of Such Liquors to the said Treasurer within fourteen Days after He shall have Guag'd the Respective Parcell's thereof, And in such Guaging he is to do Justice between the King and the Importer according to the best of his Skill & understanding And for the Several Services to be performed by him in that office During the Continuance of this Act, he shall be allowed out of the Moneys to arise thereby after the Rate of Thirty pounds per Annum,

### THE TWENTY-SECOND ASSEMBLY.

*Second Session.*

(Begun Aug. 28, 1739, 13 George II, George Clarke, Lieut. Governor.)

#### [CHAPTER 674.]

[Chapter 674 of Livingston & Smith and Van Schaack, where the title only is printed. Continued by chapter 694.]

**'An Act to Regulate the Militia of this Colony.**

[Passed, October 8, 1739.]

WHEREAS A Due and proper Regulation of the Militia of this Colony tends not only to the Security & Defense thereof, But likewise to the Honour and Service of his Majesty

BE it therefore Enacted by the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the same, That every Person from Sixteen to Sixty years of age residing within this Colony, Shall within one month after He arrive at the age of Sixteen, and every Sojourner above the Same age having resided within this Colny above three months, Shall Inlist himself with the Captain or in his absence with the next commanding officer either of the Troop of Horse in the City or County where He dwells or Resides, or in such company of Foot, whose Captain or next



commanding officer has the command thereof, in the City Town Burrough Mannor or Precinct where such Person Shall Reside or Sojourn, under the Penalty of ten Shillings, and Six Shillings for every month that Such person shall remain so unlisted after notice given, and all Captains of Troops of Horse & companies of Foot in the Several Cities Burroughs Township's Mannors & Precincts of this Colony, are hereby commanded, to take due care to Inlist all Inhabitants & Sojourners from Sixteen to Sixty years of age which age in case of doubt is to be proved by the oath of the Person whose age is in question, or the oath of his Parent or Some other Credible witness, to be taken by the officer before whom the Dispute shall happen to be, who Shall administer the same in the words following

I A B do Swear upon the Holy Evangelist of Almighty God that C D Summoned before Captain E F in order to be Inlisted is.....years old & no more according to the best of my knowledge so help me God.

WHICH oath being duely administered by the Captain or other officer who hath Summoned Such Person before him, in Order to be Inlisted, and it appearing that He is under sixteen, he shall be for that time dismissed, and if any dispute should arise about Elder persons & it appearing that he or They are above the age of Sixty SUCH person or persons Shall be Exempted at all times thereafter.

AND be it Enacted by the authority aforesaid, that all Captains of Troops of Horse & Companies of Foot Shall within three months from the commencement of this Act, Provide for their Companies and Troops Drums and Trumpets Collours & Banners and Drummers and Trumplers at the proper charge of their respective Captains of Troops & Companies, under the Penalty of Six pounds for every Month Such Captain Shall remain unprovided thereof, the Sum of Three pounds

BE it further Enacted by the Same Authority that the Colonels or commanding officers of all Regiments Troops or unregimented companies within this Colony, Shall at least once in every year Issue out their Warrants to their Inferior officers commanding him or them to make diligent Search & enquiry in their Several Precincts, that all persons be duely Listed armed & Equiped, and to return to them the names of Such Defaulters, as he or they Shall find, to the end they may be punished according to this Act, and if any Colonel of a Regiment, or in his the next commanding officer, or any Captain or Com-



manding Officer of a Troop of Horse or unregimented Company, shall neglect his Duty herein He or They so neglecting Shall forfeit the Sum of Five pounds for Such neglect or Omission.

AND be it further Enacted by the Authority aforesaid that at least once in every Year, or Oftener if occasion Shall require and command be given by the Colonel & in his absence by the next commanding officer of the Respective Regiments, the Several Companies in each Regiment & the Troops of Horse & unregimented Companies of the Several Counties, Shall meet at the most convenient places therein to be appointed by the Respective officers, to be then and there Mustered and exercised, and that every Soldier belonging to the Horse shall at the time & place commanded appear and be provided with a good Serviceable Horse not less than fourteen hands high covered with a good Saddle holsters housing Brest plate and Crupper, a case of good pistols, a good Sword or hanger, half a pound of Powder & twelve sizable bullets, a good hatt laced with Silver Lace, a black bag or Ribbond for the hair or Peruke a Scarlet COAT Trimed with Silver, a pair of Large boots with Suitable Spurs and a Carbine well fixed with a good belt Swivel & Buckels, Provided that so much hereof as relates to the apparel of Troopers shall extend to the City & County of New York only, AND whereas in the middle of the County of Orange there are Such and so many Mountains as are Extream difficult to pass and repass.

BE it therefore Enacted by the Same Authority that when the Regiment of that County is to appear in a General Muster for Exercise, the men living to the Southward of the Said Mountains Shall meet and be mustered in Orange Town, and those Living to the nothward of the Said Mountains in the Town of Goshen, and that there be at Least one week between Such Musterings, anything herein to the Contrary thereof notwithstanding

AND be it Provided & Enacted by the Authority aforesaid, That in case of a General allarm or an Invasion, all unregimented or Independent Companies & Troops, Shall in the absence of the Captain General or commander in chief, be under the Immediate command and Direction of the Colonel, and in his absence the next commanding officer of the Regiment of the City or County where Such unregimented or Independent Companies or Troops are or may be, anything herein to the contrary hereof notwithstanding

BE it further Enacted by the Authority aforesaid, that the Troopers for the City and County of Albany, shall be clad in blew coats, and their hatts Shall be laced with Silver, and the number of the Troop in the said City and County Shall be Sixty, besides Officers, and the number of all Other Troops in this Colony, Shall be Fifty Troopers besides officers, and for a constant Supply of Troopers, in each City and County within this Colony, where Troops of Horse have been, or are in being whensoever it Shall happen by death or otherwise, that there be fewer Troopers in number than are Limited by this Act, and the Same cannot be Supplied by Volunteers, that then the Captain of Such Troop, shall under his hand certify unto the Colonel of the Regiment of Foot, or in his absence to the next commanding officer in the City or County where Such want Shall happen, how many Troopers are wanting in his List, of the Troop under his command, and thereupon the Said Colonel or next Commanding OFFICER of Such regiment Shall nominate out of the Same, the number that Shall be so wanting as aforesaid, Provided that Such person or persons So nominated by the Said Colonel or next commanding Officer, be not under the Age of Twenty one years, upon which nomination the Person or Persons So nominated, Shall within the space of three months equip themselves as is hereby Directed, and every Trooper that Shall be so nominated to Serve in any of the Troops & refusing to equip himself and Serve, He shall for such offence forfeit the Sum of Ten pounds, and upon Payment thereof, Shall not be liable to any other or further Forfeiture for any offence respecting the Troop but Shall nevertheless be Subject to Serve in the foot Service, as if no Such nomination had ever been made, and all Troopers already Inlisted or who Shall consent to be Inlisted in manner as aforesaid refusing or Neglecting to appear, Shall for every Such offence forfeit the Sum of Ten Shillings for the first default, in not appearing for the Second default the sum of Fifteen Shillings, and for the third Default Twenty Shillings, and for every default after the third Twenty Shillings until he doth appear. For want of a Sizable Horse Ten Shillings, and for want of each or Either of the Articles of the Troopers furniture the Sum of Five Shillings, Provided that all the penalties on one Person for default of one Day, do not exceed the Sum of Twenty Shillings, and every Trooper or Soldier belonging to the Horse Shall have at his Habitation or Place of abode, one pound of

**Fine powder & three pound of Sizable Bullets on penalty of Ten Shillings for every default.**

**AND** be it Enacted by the Authority aforesaid that the companies of Cadees & blew artillery in the City of New York are to consist each of one hundred Men besides Officers, and if the Colonel of the Regiment of the Said City or in his absence the next Field officer thereof, doth Suspect that the Captain or Captains of the Said Companies have Inlisted a greater number than is Limited above the Captain of the Company so Suspected, Shall be obliged within fourteen Days after notice, To deliver to the Captain General or commander in chief a true and compleat Roll of the name & names of all the persons, He or they have on his or their List, and if it thereby appears that more are Inlisted, than the number above mentioned, all Such Supernumary men are Immediately to be discharged out of Such List, and the Captain is to give a List of their names to the Colonel or next field officer aforesaid, and the person & persons so discharged, Shall within fourteen Days thereafter Inlist him or themselves in one of the Foot companies of the Said Regiment and Such of the Persons so discharged as Shall omit to Inlist himself Accordingly, Shall be Subject to the fines Inflicted in this Act on Persons omitting or neglecting to Inlist in the militia.

**AND** be it Enacted by the Authority aforesaid, That every foot Soldier in any the Regiments or Independent Companies of Foot in this Colony, Shall be provided with a good well fixed Musquet or Fuzee a good Sword Belt and Cartridge box, Six cartridges of Powder and Six Sizable bullets and so provided, Shall appear when and where required upon Penalty of Five Shillings for each Musquet or Fuzee not well fixed and for want of a Sufficint Sword belt or Cartridge Box, shall forfeit one Shilling, and the Same for want of each cartridge or Bullet, the whole penalty for the Default of one person for one day not to exceed Ten Shillings, and the Sufficiency of the Musquet or Fuzee Sword belt and cartridge Box to be Judged of and Determined by the Captain, or in his absence the next commanding officer of such company, and Every foot Soldier Shall at his habitation or place of abode, have one pound of good powder and three pounds of Sizable bullets upon penalty of Ten Shillings for each Soldier of Foot, and if any Soldier of Foot or Horse Shall refuse to Shew to his Captain or person sent by him or other officer for that purpose by this Act appointed, all or any of the equipage Furniture or amu-

nition here mentioned, He shall be deemed and esteemed to be unprovided thereof and Shall be fined accordingly.

AND be it Enacted by the Authority aforesaid, that upon notice given of a General muster or of the Review or appearance in the field of any Particular Troop or Troops Company or Companies, no Person whatsoever Listed in Horse or foot in manner aforesaid, shall withdraw himself from that Service or go out of Town without having first acquainted his captain & in his absence the next commanding officer therewith, and without his Leave or authority so to do, under the Penalty of Ten Shillings, and no Commission officer Shall remove himself out of Town or withdraw from the Service, without Leave from his Superior Officer, under the penalty of Twenty Shillings and no Serjeant Corporal or Drummer whether of Horse or foot shall absent themselves in manner aforesaid, under the penalty of Twenty Shillings.

AND be it further Enacted by the Same Authority that no person or Persons being thereunto required by their Superior and Proper Officer, Shall refuse to be Serjeant Corporal or Drummer, in any Troop or Company under the Penalty of Forty Shillings and in case any Serjeant or Corporal so appointed, Shall refuse to warn the People to appear under arms when thereunto required by his Captain or next Commanding Officer, he shall for every such neglect or Refusal forfeit the sum of Twenty Shillings.

AND be it further Enacted by the Same Authority, that Such Articles of war, as the Captain General or Commander in Chief for the time being, with a General Council of officers from the Several Regiments of this Colony, shall make and Establish, shall by authority of this Act, have full Force virtue & effect for the punishment of all Offenders against this Act, and the Said Articles or anything therein contained, and all officers and Soldiers of the Militia, Horse or Foot within this Colony, during Such time as They or any of them are under Arms in the Field, or upon watch and ward or other Duty, They and every one of them shall observe & keep all and every the articles of War so as aforesaid Established and shall pay due obedience to his and their Superior officer and officers, and all his or their lawfull commands, and all the Colonels of the Several Regiments Captains of Troops of Horse and unregimented Companies of Foot or other the next officer in their absence, are to give out True  
 a of said Articles by them Attested, or by one Field officer



at the Least unto the Respective Officers under them, That the Same may be Publickly read once in every year at the head of every Regiment unto the Soldiers while They are in Arms, to the end all Persons Inlisted may be better known and observe their Several Duties, and if it Shall happen that any Officer or Soldiers Shall at any time whatsoever, whether under Arms upon Duty or otherwise maliciously abuse affront or take Revenge, or endeavour by Force to take Revenge for any Matter or thing by his or their Superior Officer Lawfully done in pursuance of his or their Duty or of anything contained in this Act, the said Officer or Soldier Shall be Brought before a court marshal and shall be Tryed for the Same according to the true Intent and meaning of the articles of War, Provided allways that such punishment Shall not extend to the Loss of Life or limb.

BE it provided and Enacted by the Authority aforesaid that until Such time as the afore mentioned Laws, and Articles of War are established by the Said General Court Marshall, every Soldier under arms, that Shall not give due obedience to his Superiour officer Shall forfeit the Sum of Ten Shillings for each offence, and if any person Inlisted to serve either in Horse or Foot and appearing under Arms and During such appearance Shall refuse or neglect to perform Such Military duty as shall be required from him, or Shall depart from his colours or Guard, without Leave from Such officer, he shall Forfeit the Sum of Twenty Shillings, & for non payment thereof, Shall be committed by warrant from the Captain or Commanding officer there present of the company or Troop to which Such Offender doth belong to the next Goal till the said Twenty Shillings be paid with the Prison CHARGES, and the Sheriff of each City and County is hereby Impowered and required to receive the body or bodies of all Such Offender or Offenders against this Act, as Shall be Brought to him by virtue of a warrant or warrants under the hand & Seal of such Officers as aforesaid, and him or them to keep in Safe Custody, until Such Fees and fines mentioned in Such warrant are paid. AND it is hereby declared that Such Sheriffs or keepers of Goals, Shall in Such Cases as aforesaid be Intituled to the Same Fees as are allowed in all other Cases. PROVIDED likewise that in case of a Military watch or night guard where a Captain doth not command in person, the warrant of distress or warrant of Imprisonment granted by an Inferior Officer, who did Command the guard or

watch, Shall be of the Same Authority against if the Same warrants were Issued by the Cap this Act to the contrary thereof in any wise not

AND be it Enacted by the authority aforesaid Year or oftener, if thereunto required, each p Shall give to his Colonel, or in his absence to cer, & Such field officer and the Captains Troops and Companies to the Captain General in chief for the time being, fair written Rolls five regiments, Troops and Companies, on the Shillings for a field officer, & Twenty Shilling commanding officer, and if any person be wou upon any Invasion or in any other Military Se taken care of and Provided for by the Public of such disability.

BE it Enacted by the Authority aforesaid Fines penalties & forfeitures in this Act Me Levied recovered and disposed of as followe That all Such forfeitures as do relate to any degree of a Captain, Shall be adjudged by & respective Captains, to defray the Charges of Companies, and to be Levied before the next ex distress and Sale of the offenders goods by th rant, directed to the Serjeant or Corporal e wherein Said offence was committed, but if th Servant or under his Parents care, then in Such or Parents goods shall be Liable to such distress said til satisfaction be made, and if any Serje shall refuse to Execute Such Warrant so to his Serjeant or Corporal shall for every Such offence above Mentioned the Sum of Forty Shilling in manner before Expressed, by Such other of Corporal as such Warrant shall be directed to, penalties & Forfeitures in this Act mentioned, be Levied by distress and sale of the offender rant from the Colonel or the next field Officer w ers are, one half to Such colonel or field officer half for the use and benefit of the Regiment County where the offense is committed, and i relate to persons under the Degree of a Captain, to a sum sufficient to defray the Charges of Ca

& Companies that then what is wanting shall and may be levied upon the Several Soldiers equally, by warrant of the Colonel or chief officer of the Regiment Troops or companies, and if no goods are to be found whereon to destrain, the person offending is to be sent to the next Goal there to remain till Satisfaction be given, and the Prison fees paid, and the Serjeants Corporals or Clerk of the Regiment, are to reserve to themselves out of each distress or Forfeiture the Sum of Three Shillings for Executing each Warrant, from their Captain or other Superior officer, and the Warrant or Warrants to be given to the Serjeants Corporals or Clerks for making Such distress as aforesaid Shall be in the form following

BY Virtue of an Act of General Assembly of this Colony Intituled an Act to Regulate the militia of this Colony, you are hereby required & commanded to Levy by distress upon the goods and chattels of C. D. the Just and full Sum of \_\_\_\_\_ and you are to have the Same Sum before me on \_\_\_\_\_ which will be the \_\_\_\_\_ Day of \_\_\_\_\_ and in case you shall find no Effects whereon to levy the distress hereby directed to be Levied, you shall take the body of him the said C. D. and him Safely convey to the common Goal, there to remain until the Same with the Prison fees be fully paid and answered, and for your so doing this Shall be your Sufficient warrant, witness my hand and seal this \_\_\_\_\_ Day of \_\_\_\_\_ in the \_\_\_\_\_ year of his Majesties Reign annoq. Domini \_\_\_\_\_. And this Warrant and the execution thereof by the Person to whom it is Directed Shall be good in Law, and of Full force and Virtue to and for the purposes in this Act mentioned, anything therein to the contrary thereof in any wise notwithstanding.

AND be it further Enacted by the authority aforesaid THAT no person whatsoever do presume to Fire any Small arms after eight of the Clock at night, unless in case of alarm or Insurrection, in which case, four Musquetts or Small arms distinctly fired, or where great Guns are the firing of one great Gun and two musquets or Small Arms distinctly, and beating of a Drum Shall be taken for an alarm, which shall be continued along from place to place throughout the Colony, & every Person that shall neglect his Duty in taking & forwarding the alarm, by Firing or beating drum as aforesaid, or that Shall fire arms after eight a Clock at night, shall be Fined or Punished, at the discretion of a Court Marshal not extending to Life or Limb, and in



case of an alarm, every Soldier is Immediately to re-  
his Colours or Parade on Penalty of Five pounds,  
shall be understood to be the Habitation of his  
tain, unless it shall be otherwise Ordered and  
for the better prevention of False Alarms no Cap-  
Commander of any Ship or Vessell Riding at an-  
the Rivers Harbours or Bays of this Colony, nor ar-  
Shall Fire any Gun or beat any Drum after eight  
night, under the Penalty of Twenty Shillings for  
Fired or Drum beaten, to be Levyed by Warrant as  
from the chief officer of the Regiment next adjoining  
the degree of a Captain, who is hereby Impow-  
diction thereof, and to administer an Oath, and  
thereupon, and to direct distress and Sale of the o-  
and for want of Such distress the Said chief officer  
to commit Such offender to Goal, there to remain  
be made of the Same, and the Captain command-  
any Vessell from whence Such Gun or Guns Shall  
be Deemed and understood to be the offender in  
and in case the chief Officer of the Regiment or  
said, Shall not perform his Duty herein, He shal-  
pounds to be Levyed by Warrant from the Capt-  
Commander in chief for the time being.

AND be it further Enacted, that all Drummers lately in Service, or that Shall be put in Service Captains during pleasure, Shall Serve upon the Shillings per annum for a Trumpeter and Two annum for a Drummer finding their Trump Twenty Shillings for a Trumpeter and Ten Shiller, If the Captain do provide the Drum or Drummer or Trumpeter, refusing to Serve tollings to be Levyed in manner aforesaid, and that all the Members of his Majesties Council of the General Assembly, Justices of the Peace, Justices, Coroners and other Civil officers of Government in this Colony, and all other officers of the Gospel School Masters Physitions shall be Free from being Listed in any Troop of this Colony, and neither this Act, nor anything therein contained shall be construed or taken to allow any person to be Listed, or do any Duty belonging to him in this Colony, unless it be to be Drummors Tr



AND be it Enacted by the Authority aforesaid, that no Commission Officer of the Militia of this Colony Legally Superceded, shall afterwards be Obliged to do the Duty of a Private Soldier, unless he be Cashered for cowardice by a Court Marshall, or for Some other Notorious offence, nor shall it be in the power of any Commission Officer, to throw up or quit his Commission unless he is Superceded in his Rank, until He have Served in Commission Fifteen years at the least, anything in this Act to the Contrary thereof notwithstanding

BE it Enacted by the Authority aforesaid, that no Military Commission officer as well of Foot companies or Troops of horse, whether Regimented or Independant, as likewise the Troopers in the City & County of New York, Shall be Liable or Subject to Serve as Constables th'o chosen, any Law or usage to the contrary notwithstanding. PROVIDED nevertheless that a Commission obtained by any Person after he is Elected a Constable, Shall not Intitle him to the Exemption before mentioned.

AND whereas upon certain Emergencies it may be found necessary to keep Military watch and ward in some part or parts of this Colony

BE it Enacted by the Authority aforesaid That whenever Such Emergencies Shall make it Necessary to keep a Military watch for a longer time, than the Space of Fourteen Days, in the City and County of Albany (notwithstanding the Several exceptions hereinbefore mentioned) All persons able to bear Arms Living within the Said City and County of Albany (Ministers of the Gospel Doctors of Physick & Surgeons only Excepted) Shall in their Turns upon Due warning, be obliged to Serve upon Such Military Watch, on the penalty of Six Shillings for every DEFAULT or neglect to be recovered from each and every such defaulter or defaulters, and upon Non payment thereof to be Levied by distress upon his or their goods and Chattles in like manner as other Fines are by this Act, directed, to be Destrained for, PROVIDED nevertheless that it Shall and may be Lawfull for any Person or Persons whatsoever obliged to Serve upon Such Military Watch To put a well armed man in his or their room who if approved of by the Captain of the Guard, Shall supply his or their absence, But commission officers in their Turns Shall always be obliged to mount Such Guard in their proper Persons.

BE it further Enacted by the Authority aforesaid That if any Person or Persons Shall be sued Molested or Impleaded for any

matter or thing Lawfully done & commanded in the Execution & performance of this Act, He or They Shall plead the General Issue & give this Act in Evidence, and if the Plaintiff discontinue his action be Non suited or a Verdict pass against him, The defendant Shall recover Treble Cost, nor shall any such suite or suites be admitted or allowed to be Brought unless it be done within three Months next after the offence is Committed.

AND be it Enacted that nothing in this Act conained SHALL be Intended or construed to Derogate from or in any ways Lessen or Diminish the Powers or authorities lodged & vested in the Captain General or Commander in Chief for the time being, by his Majesties Letters Pattents Commission or other power whatsoever, any thing in this Act contained to the Contrary, thereof in anywise notwithstanding.

AND be it Enacted by the Authority aforesaid, That this Act and every Clause Article and thing therein contained Shall commence from the Publication thereof, and remain of Full force and Virtue, until the first day of December, which will be in the in the year one Thousand Seven Hundred and Forty.

## THE TWENTY-SECOND ASSEMBLY

### *Third Session*

(Begun Oct. 9, 1739, 13 George II, George Clarke, Lieut. Governor.)

### [CHAPTER 675.]

[Chapter 675 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for Compleating and Building the Fortifications and other the Purposes therein Mentioned, for the Defence and Security of this Colony.

[Passed, October 23, 1739.]

WHEREAS by Virtue of an Act of Assembly, Intituled an Act to Appoint and Impower Commissioners for Erecting Fortifications in this Colony, at the Several Places therein Mentioned, passed in the Eighth year of his present Majesties Reign, there was Erected a Fort at Schonegtade, a Stone Fort at Albany, and a Battery on Copsy Rocks in the City of New York, as in & by the Reference being had thereto may more at Large appear.

**BUT** for as much as the Sum of Mony apply'd by the Said Act for Erecting of the Said Battery, dos appear not to have been sufficient to perfect the Same according to the true Intent & meaning of the Act aforesaid, and the General Assembly being heartily Disposed to put this Colony in a Proper posture of Defence, as well by Supplying the Deficiency before mentioned as for Erecting other Fortifications, so far as the present Circumstances of the Colony will allow

**BE** it therefore Enacted by his Honour the Lieutenant Governour, the Council & the General Assembly, and it is hereby Enacted **BY** the Authority thereof, That John Cruger Esq'r John Rosevelt, John D. Witt Petrize & Cap't Cornelious D. Peyster Shall be and hereby are Impowered Authorized and Required with the advice of the Members of the General Assembly for the City & County of New York for the time being, and by the Approbation of the Governour or Commander in Chief for the time being, To cause a sufficient quantity of Large Stones to be Lay'd or thrown so far Round the outside of the Said Battery Somewhat higher than the Lower part of the Frame work, as Shall be Deemed necessary to Secure the Foundation, to fill up with Earth Sand or other proper Materials round the Inside about Twenty feet more than is filled already, and so much at the East & West End of the Store House, as by the advice aforesaid Shall be Deemed needful, To procure at Least Thirty New Carriages more for the Great Guns, with Rammers Ladles & Hand Spikes for all of them, To remove the Great Guns design'd & Intended for the Said Battery, to their Proper Places on the Platform thereof, To provide one or Two good Engines and Ropes for mounting of them, and to make of Sods So much of the Parepet as Shall be Judged proper & when that is Done to Dispose of the Brick & Stone the Same is now composed of to the best advantage, and the produce Thereof Shall be apply'd to the Uses aforesaid and accounted for in the Same manner with other the monies hereby directed to be payd to Them all which they are to provide do & perform or cause to be Provided done and performed in the Speediest manner the Season will allow, and at the cheapest rates for the reward & out of the money herein after Directed to be applied for that purpose

And to Enable the before named commissioners to perform the Several matters & Services above mentioned, **BE** it Enacted by the Authority aforesaid, that They shall in the first place Imploy

a Ballance of Eighty Six pound Three Shillings and Ten pence Still in their hands, or in the hands of one or more of Them, when that Sum Shall be Expended for the Services aforesaid, the Treasurer of this Colony upon Application made to him by Said Commissioners Shall and hereby is required to Pay Them out of the money herein after mentioned the Sum of Ten Hundred & Thirteen pounds Sixteen Shillings & two pence when that Shall be Expended in & about the Services aforesaid the Sum of Four hundred pound, and when that Sum Shall be Expended, For the Same Purposes the farther Sum of Four hundred pound, For which Several Sums the Said Commissioners are to give to the Treasurer proper receipts at the respective times when They receive the Same, which Receipts Shall be to the Said Treasurer a Sufficient Voucher & Discharge for so much as is therein be mentioned to have been Received, Provided they do not in the whole Exceed the Sum of Eleven Hundred & thirty pound Sixteen Shillings & two pence, And of the Money so to be received by the Said Commissioners, as likewise of the due Disposition & application thereof. They are hereby Required to render true & distinct accounts upon oath to the Governour or Commander in Chief for the time being the Council, or the General Assembly, when by them or any of them thereunto required.

AND whereas the Fort in the Mohawks Country is at present in a very Ruinous condition, mostly Decay'd & Intirely wanting Repair, and it being found by Experience absolutely necessary the better Secureing this Colony & keeping the Indian Interest thereof, That there Should be a Fort there

BE it therefore Enacted by the Authority aforesaid that a Sufficient Fort be Built & Erected with four good bastions in The corners thereof at or nigh the place where the Fort now Stands, on the Plan & in the Form of that now there is, made, in the County of Albany, and of Such Extension as the Commissioners herein after named & appointed with the present Members of the General Assembly respectively in the City, or any other Parts of the County of Albany, with the approbation of the Governour or Commander in Chief for the time being Shall Judge most proper & useful for the Purposes aforesaid.

AND be it Enacted by the Same Authority that the Commissioners Vroomen and Jan Wimpel, Shall be & hereby are appointed Commissioners for the Purposes last mentioned, &



them are hereby Impowered & Required to begin, carry on & compleat the Said Fort & block Houses with all the Expedition which the nature of those Services, according to the true Intent & meaning of this Act, will reasonably admit of, and for that End to procure Stone, Lime, Timber, Iron Work, and all other Materials, and to Employ able workmen, Labourers, Slaves, Waggons, & what else may be required in and about the Several Works & Services aforesaid at the most moderate Rates they can, to the End that the Said Fort & Block Houses may according to the true Intent & meaning of this Act, be Built and Completed in the Cheapest & Speediest manner, and it Shall & may be Lawfull to and for the Said Commissioners, and They are hereby Required to Employ & make use for the New Fort aforesaid of all Such Iron Work, and other Materials of the Old Fort, as are or may be Serviceable for the New one, and the Said Commissioners are hereby further required, to keep Exact Books of the particular Cost & Charges which Shall be Expended in & about the Several Services afore mentioned, and for Enabling the Commissioners last mentioned, to perform and finish the Fort & Block Houses above Mentioned, and to make Ready Payment for the Same. BE it Enacted by the authority aforesaid that the Treasurer of this Colony, upon application made to him by the Said Commissioners, Shall & hereby is required to Pay unto them or either of Them out of the Mony hereinafter Mentioned, the sum of Three Hundred pound and when that Shall be Expended in and about the Services aforesaid, The further Sum of Three hundred Pound, for which Two Sums the Said commissioners are to give to the Treasurer proper Receipts at the Respective Times they receive the Same, which Receipts Shall be to the Said Treasurer a Sufficient Voucher & Discharge for so much as Shall be therein Mentioned, to have been received provided They do not in the whole exceed the Sum of Six hundred Pound, and of THE Mony so to be received by the Said Commissioners, as likewise of the due Disposition & application thereof, They are hereby required to render True & distinct accounts on Oath to the Governour or Commander in Chief for the time being, the Council, or the General Assembly when by them or any of them there unto required

AND be it further Enacted by the Authority aforesaid, that the Several Commissioners herein before namd & appointed Shall as soon as They have made an Estimate of the Sorts & Quantitys of Materials requisite to accomplish the respective Ser-

vices by this Act directed to be Severally done by them, by publick advertisements desire all Persons willing to furnish Materials at the Lowest rates for ready money, to appear before them at a certain Day & place to be mentioned in Such advertisements and then & there or at some other time or times thereafter contract for Such Materials accordingly, and to prevent Intemperance in the prices of Materials, or in Labour, the Said commissioners are hereby required, out of the Mony's they are to Receive by virtue of this Act, to make ready Payment with the Same any other Currant Mony of this colony, and in no other manner whatsoever, for all the Materials & workmanship that Shall be Employed for & towards the respective Services herein directed to be Severally done & performed by them

AND be it further Enacted by the Authority aforesaid that Several commissioners herein before named & appointed, before They receive any part of the Mony hereby Directed to be paid unto them, Enter into the following Recognizances unto the Sovereign Lord the King, his Heirs & Successors, That is to wit Each of the Commissioners for the City of New York before any one of the Judges of the Supreme Court, in the Sum of Three hundred Pound, with two Sufficient Surity's each in half that Sum; Each of the Commissioners for Erecting the Fort in the Mouth of the Country before any one of his Majesty's Justices of the Peace in the County of Albany, in the Sum of Three hundred pound, with two sufficient Surity's, each in half that Sum, conditioned that they Shall & will each for his part, well, truly & Duly In and out apply the Mony so to be received by Them as aforesaid to the Several Uses & Services directed by this Act, & shall duly to observe do & perform all other Directions therein required to be observed, done, & performed by Them according to the true Intent and meaning thereof, Which, Several Recognizances Shall with all convenient Speed be Transcribed & Lodged in the Treasury of this Colony, by the Person to whom the Same are hereby appointed to be taken

AND be it further Enacted by the Authority aforesaid that in case any of the Said Commissioners Shall fail to receive or apply the mony so to be received by them, to the uses directed by this Act, or omit to observe what is therein by Further required to be Observed & performed by them, in Such Case or Cases the Same Shall be proceeded upon in due Form of



Offender or Offenders. or his, or their Surety's, in any Court of Record in this Colony, wherein no Essoin, Protection, Wager of Law, or more than one Imparlance shall be allowed, and the Money to be recovered in consequence thereof, Shall be paid into the Treasury of the Said Colony, and applyed to & for the Fortifications and other Services herein directed, at the place or places where Such offence Shall happen to be committed

AND to the End the Several Commissioners herein before appointed may be encouraged to do & perform the Several Services by this Act required to be done and performed by Them respectively, BE it Enacted by the Authority aforesaid, that They Shall be & hereby are allowed to retain out of the Several Sums of mony by this Act directed to be Employ'd, at the Places above mentioned, The Sum of Four pound on Every hundred Pounds They Shall Employ and Lay out for the Purposes aforesaid, and in that proportion for a greater or a Lesser Sum, as a Reward for their care and Trouble in & about the Services to be performed by Them in the manner herein before directed

AND whereas Some of the Sachems & other Indians of the Senecas Nation have posted Themselves at Tierondequat to prevent the French from Possessing themselves thereof, and have Invited the commissioners of Indian affairs to take Possession of the Said Place in his Majesties name, in order Therefore to reward the Said Indians for so considerable a Service, and to purchase from them, in the name of his Majesty, his Heirs, & Successors to and for the Sole use & benefit of this Colony, a Sufficient quantity of Land for a convenient Settlement, at or nigh Tierondequat aforesaid, and to Erect Some Building upon it, to Secure and Retain the Possession thereof,

BE it Enacted by the Authority aforesaid, that the Treasurer of this Colony Shall Pay unto Phillip Livingston Esq'r & to the present Members of the General Assembly representing the City, or any other part of the County of Albany, or to the greater Number of Them on demand, out of the mony herein after mentioned, The sum of one hundred pound, To be applyed by them or the Major part of them to the uses before Mentioned in Such manner as they or the greater number of them Shall Judge most for the Benefit & Security of this Colony, and to no other Uses or Purposes whatsoever, and for the Said Sum of Mony so by Them to be received, They Shall give a Receipt under their Hands to the Said Treasurer, unto whom the Same Shall be a sufficient dis-

charge, for so much as Shall therein be acknowledged & received, provided the same doth not exceed the Said sum of one hundred pound; And of the due Disposition & application of the Said Sum, They are hereby required to render true & distinct accounts upon oath to the Governour, or Commander in chief for the time being, the council, or the General Assembly, whomever of them or any of them thereunto required AND be it Enacted by the Authority aforesaid, that in case any of the Several & Relative Commissioners appointed by this Act, shall happen to die, or remove out of this Colony, or refuse to Act, or do & put in default, the Several Powers & Authorities by this Act directed to be done & performed by them respectively, that then & in such case, it shall & may be Lawfull, To & for the Governour or Commander in Chief for the time being, by & with the advice & consent of his Majesties Council, to nominate & appoint, from time to time some other fit Person or Persons (as to the Governour or Commander in chief for the time being, by & with the advice & Consent aforesaid Shall Seem fit & Proper) to be a Commissioner or Commissioners in the Place & Stead of Such Commissioner or Commissioners Dying Removing or Refusing as aforesaid, & nothing in this Act contained to the contrary notwithstanding.

AND to Enable the Said Treasurer to make Payments of the Several Sums herein before Directed to be made to him, BE it Enacted by the Authority Aforesaid, That the said Treasurer first place shall & do Employ an unapply'd Sum of one hundred & Eighty five pound now remaining in his hands by virtue of an Act Intituled an Act to Strike & make currant Bills of Exchange of Value of Twelve Thousand pound on the Fonds & Securities therein Mentioned PASSED in the Said Eighth year of the present Majesties Reign, and that he Shall Borrow the same hereby fully Impowered Authorized and Required by an Act of the mony now in the Treasury by virtue of an Act, to Lay a Duty of Tonage on the Vessells therein Mentioned passed in the Said eighth year of the Majesties reign, the Sum of Sixteen Hundred & Sixty Pounds Sixteen Shillings and two pence and no more by any Act or any other Act to the contrary thereto notwithstanding.

AND if at the determination of the before said Sum there should not be an over plus Sufficient to pay the same so Borrowed as aforesaid out of that Duty



be made good either by Prolonging the Same, or by Such other ways & means as by Act or Acts of the General Assembly, shall hereafter be Provided for that purpose

[CHAPTER 676.]

[Chapter 676 of Livingston & Smith, where the act is printed in full. Chapter 676 of Van Schaack, where the title only is printed. The duty of excise, continued by chapter 933, by which the currency of the bills emitted by this act is also continued until the year 1767.]

An Act further to Continue the Duty of Excise, and the Currancy of the Bills of Credit Emitted thereon, and to Strike Some New bills for Exchanging Such old ones, as are or may be unfit to Circulate.

[Passed, October 25, 1739.]

WHEREAS in and by an Act of General Assembly, Intituled an Act for Laying an Excise on all Strong Liquors retailed in this Colony, Passed in the Twelfth year of her Late Majesty Queen Anna, there was Granted to and for the Uses in the Said Act perticularly mentioned a Duty of Excise on all Strong Liquors Retailed in this Colony, for the Term of Twenty Years ending the first day of November which was in the year one Thousand Seven hundred & Thirty Four. And by a Subsequent Act passed in the fourth year of his late Majesty, the Said Duty was continued for the Same uses & Purposes until the first Day of November in this present year one Thousand Seven Hundred & Thirty Nine

AND whereas in consequence of the uses Intended & Directed by the above Mentioned Act, and upon the money to arise thereby, There were by one Act, commonly called the first long bill, Intituled an Act for the Paying & Discharging the Several Debts, & Sums of Mony claimed as debts of this Colony, to the Several Persons therein Named, and to make & Enforce the Currency of Bills of Credit to the Value of Twenty Seven Thousand Six Hundred & Eighty pound for that Purpose, also to make Void all Claims AND demands made or pretended to be Due from this Colony before the first Day of June One thousand Seven Hundred & fourteen, and to prevent this Colony from being in Debt for the future, Passed in the Thirteenth Year of her Said Majesties Reign Struck Issued & made Currant in this Colony. Bills of Credit to the above Mentioned Value of Twenty Seven Thousand Six Hundred and Eighty Pounds, and by another Act commonly,

called the Second Long Bill Intituled an Act, For paying & charging Several Debts due from this Colony to the Persons therein Named, and for Raising and putting into the hands of the Treasurer of this Colony, Several Quantities of Plate to be applied to the Publick & Necessary Uses of this Colony & to make Bills of Credit to the Value of Forty one Thousand Five Hundred & Seventeen Ounces & a half of Plate for that purpose, Passed in the Said fourth year of his Said late Majesties reign, Bills of Credit to the before mentioned Value of Forty one Thousand Five Hundred and Seventeen Ounces and a half of the Spanish Coin of the Sivil Mexico or Pillar Plate.

AND whereas all the aforesaid Bills of Credit were actually Struck Emittid & Payd to the Several Persons and for the Several uses Directed in the Two Acts last mentioned; and tho' it ought to be presumed that at the time of the Passing of the aforesaid Acts, it was conceived or computed that the Fonds appropriated for the gradual sinking of them were Sufficient to do it at or before the Time Limited for that purpose, yet it do's now appear that there will be a very considerable Deficiency to answer the END notwithstanding that in the Said Second Long Bill there was (for the same purpose) added to the Excise an additional Duty on Wine & Rum for the Term of Seventeen Years, which Expired the Twenty Third day of December One Thousand Seven Hundred & Thirty four.

AND whereas Such Deficiency as aforesaid, if not Timely provided for may of the one hand depreciate the good Reputation which all the Bills of Credit of this Colony have hitherto served, and of the other prove a vast prejudice if not a great Loss to a great number of the good People of the Colony who possess of Such Bills, tho' many of them received the same by the Said two long Bills, and probably were unborn or unborn of the Colony when those Acts passed.

AND however the Several Articles arose which were provided for in the Said two Acts, all & every one of them become Real Debts of the Colony, as well by the express Words of those Acts here as by the Royall approbation of the above mentioned Acts duly Signify'd to this Government.

AND as the Duty of Excise was altogether insufficient to discharge the Publick Debts of this Colony, So the same was declared in the Act which Granted the Same, That the monies arising by virtue thereof during the Term of

Should be apply'd to & for the Paying and Discharging the Publick Debts of this Colony, Such & in Such manner as Should be directed & Ascertained in an Act of General Assembly for that purpose thereafter to be made, It is therefore conceived just & reasonable that the before mentioned Deficiency Should be Suitably Supply'd by the Duty of Excise, as that Duty was Intended for that very purpose; and that it is not Less Just & Reasonable to preserve & continue the Currancy of the Remaining Bills of Credit Issued upon that Fond.

The General Assembly therefore humbly Pray it may be Enacted, & be it Enacted by his Honour the Lieutenant Governour the Council & the Said Assembly, and it is hereby Enacted by the Authority of the Same, that the herein first mentioned Act Intituled an Act for Laying an Excise on all Strong Liquors retailed in this Colony, Shall from the first Day of November next Ensuing, to which time the Said Duty of Excise was Granted & continued by the herein before mentioned Act passed in the Year One Thousand Seven Hundred & Seventeen, Be remain & Continue of Full force & Virtue, and every clause Article & thing therein contained, to all Intents constructions & purposes whatever until the first Day of November, which will be in the year of our Lord Christ one Thousand Seven Hundred & Fifty Seven.

BE it further Enacted by the Authority aforesaid, that when So many of the Bills of Credit Issued in the Years One Thousand Seven HUNDRED & fourteen & One Thousand Seven Hundred & Seventeen, and of those Exchanged or to be Exchanged in lieu of Them, are Sunk or Lye ready to be Sunk on the first Day of November next Ensuing, as the Fonds applyd for that purpose will then amount to, all the Remainder of the Said Bills of Credit, as Likewise all those which by Subsequent Acts have been Exchanged in Liew of Such of Them as were Shattered Torn & Defaced Shall from the time They at present stand Limited to, Be continue & remain Currant in all Payments and in the Treasury, as fully & Effectually to all Intents constructions & Purposes whatsoever, as if the currancy of the Said Bills of Credit had been originally Enacted to continue until the Said first Day of November which will be in the aforesaid year One Thousand Seven Hundred & Fifty Seven.

BE it further Enacted by the Same Authority that the Several Sums of mony to arise by means of the Excise now continued, Shall be Payd to the Treasurer of this Colony, at the Respective

Times & in the manner as in and & by the afore Mentioned Acts are appointed & Directed, and that all the Said Several Sums of Mony Shall be Employed to & for the Gradual Sinking & cancelling of the Bills of Credit hereby continued to remain Currant, pursuant to the Acts by Virtue of which They have been Issued, with this Difference only, that Such cancelling Shall be done & performed Gratis & but once in every year during the Continuance of this Act, as herein after is Directed.

AND whereas a Considerable quantity of the aforesaid Bills of Credit paid to the Treasurer on Account of the Excise, do now remain in the Treasury uncanceled, by reason that most of the Persons appointed by the before mentioned two Acts, to be present at Such cancelling are since Dead.

IN ORDER therefore to prevent such delays for the future. BE it Enacted by the Authority aforesaid, That in the Second Week of January next Ensuing, the Treasury of this Colony, in the presence of the Members of the General Assembly, for the City & County of New York, for the time being or the greater Number of Them, Shall cancell & Destroy all Such of the Said Bills as are now Lodged in his hands for that Purpose, together with Such others, as Shall by the Said Second week in January next be paid into the Treasury, upon the Same Account, taking an Exact List of the number & Value of the Said Bills before They are cancelled, and distinguishing therein what part are original Bills, & what part have been or Shall be Exchang'd in Liew of Such, and being cancelled & destroyed, The Said Members Shall give a Certificate of the number & Value thereof under their hands to the Treasurer: and in every Second week in January thereafter, during the continuance of this Act, The Treasurer & the Said Members for the time being are to act in like manner: And what the Said Members or the greater number of Them Shall do & certifie in this behalf shall be good & valid, & be a Sufficient Voucher & Discharge to the Said Treasurer for so much as Shall in Such Certificate or Certificates be mentioned to have been Cancelled and Destroyed.

AND be it further Enacted by the Authority aforesaid, That if at the Expiration of the time Limited, in this Act for the continuance of the Said Excise, the produce thereof Shall amount to more than will make up the Deficiency herein before mentioned, all Such overplus Shall remain in the Hands of the Treasurer for the Time being, until the Same Shall be applyd to the use of this



Colony, in Such manner & to Such Purposes, as by Act or Acts of the General Assembly hereafter to be passed Shall be Ordered & Directed & not otherwise.

AND whereas most of the Aforesaid Bills of Credit Issued in the years one Thousand Seven Hundred & Fourteen and one Thousand Seven Hundred and Seventeen, as well as those which by virtue of other Acts have already been Exchanged in Liew of Them, are by the Length of time They have passed Currant, become So Shattered Torn & Defaced, that They are hardly fit to pass any Longer in Payments. AND as for this reason Such Bills have chiefly been paid into the Treasury on account of Fonds appropriated for the Support of this Government, So the Several officers thereof, when the Said Support Shall be applyd for the Payment of their Sallaries, are like to Receive the Same in Such Bills as are very unfit to Circulate.

AND to remedy these Difficulties, as well as to prevent THE many Inconveniencies which in consequence would Result from Them Be it Enacted by the Authority aforesaid, that there shall forthwith after the Publication of this Act be Printed Signed & put into the Treasury, to be Exchanged from time to time for Such unpassable Bills as aforesaid, and to and for no other use or purpose whatever, New Bills of Credit to the Value of Ten Thousand pounds in the Several Sorts & of the Several Values here under Mentioned, That is to Say.

Two Hundred Bills of Ten pounds each  
 Four Hundred Bills of Five pounds each  
 Five Hundred Bills of Three pounds each  
 Five hundred bills of Two pounds each  
 One Thousand Bills of one pound or Twenty Shillings each  
 Three Thousand Bills of Ten Shillings each &  
 Four Thousand Bills of Five Shillings each

UPON every one of which Bills there Shall be Impressed on the right Side of them the Arms of the City of New York, and the Said Bills Shall be in the words & Form following, to wit.

By a Law of the Colony of New York  
 This Bill Shall pass Currant  
 For .....  
 October 20th, 1739  
 No.

Which Bills Shall be numbred by Coll'o John Moore or Alderman William Roome or Mr. David Clarkson or Alderman Peter

Jay, & Signed by any two of Them, & afterwards by the Treasurer of this Colony for the Time being unto whom the Said Signers are to Deliver the Same as hereinafter is Directed, and in each of the Said Bills is to be added after the word [for] The Figure of one or more Crowns, or the Figure of one or more pounds according to the Value they are respectively Intended to pass Current for. And after Such Figures their Respective Value is to be Imprinted in words at Length, that is to Say, in Two Hundred of Them the words [Ten pounds] In Four Hundred of Them the words (Five pounds) In five Hundred of them the words (Three pounds) In Five Hundred of them the words (Two pounds) In one Thousand of Them the words [Twenty Shillings] In Two Thousand of them the words [Ten Shillings] & In Four Thousand of Them the words [Five Shillings] And after the Figures of the Said Bills to add in Capital or Smaller Letters their Respective Value as in Other Bills of Credit has been Usual.

BE it further Enacted by the Authority aforesaid, that the before named Signers or the greater number of Them, Shall and hereby are Impowered, Directed & Required, upon the Delivery of the Said Bills by the Printer thereof, to administer an Oath to him, and he is hereby required to take an oath in the words following

I, A. B. do Swear that from the time the Letters or Types or Stamps were put in the Press, for Printing the Bills of Credit delivered by me to you, until the Bills were printed, and the Letters or Types afterwards Distributed into the Boxes, I was no time out of the Room in which the Said Letters were kept, Locking them up, So as They could not be come at, without my licence, a False Key or other Art then unknown to me, And to the best of my Knowledge no copies were printed off, but in strict conformity with the true Intent and meaning of the Law in that case made. And that all the Blotters & other Papers were used, and Impressed by the Said Letters, whilst Set for Printing the Said Bills, to the best of my knowledge are here delivered together with the Stamps. And in all things Relating to this Affair I have well & Truly Demeaned myself according to the True Intent & meaning of the Law in that case made. So help me by my Knowledge and understanding—So help me.

WHICH Printer, at the Time he has Orders & is directed by the Said Signers to Print the Said Bills, Shall take this Oath, that he may govern himself according to the

always, that if any unforeseen accident has Happend or might happen, he may have the Liberty of making an Exception thereof in his Oath. He Declaring fully to the Sattisfaction of the Said Signers how it was, And if any more of the Said Bills are Printed when the Said Signers or any Two of Them have Signed the number & Sorts, They are hereby Directed to deliver unto the Said Treasury, They Shall Imediately Burn or otherwise Destroy all the Remainder, and before the Said Signers do Receive any of the Said Bills, each of Them shall take an Oath before any of the Magistrates of the City of New York, That They Shall & will well & Truely perform, what by this Act they are Enjoyned as their Duty, and will knowingly Sign no more Bills of Credit, than what by this Act is directed

BE it Enacted by the Same Authority, that the Stamps for the Tops & Sides of the Said Bills, and of the Said Figures, as well as of the Said Arms now in the Custody of the Treasurer of this Colony, Shall by him be delivered to William Bradford--who is hereby appointed to Print all the Said Bills, and required to give a Receipt for the Said Stamps, and therein oblige himself to Return them to him well cleaned & in good order as soon as all the Said Bills Shall be Printed, which Redelivery is to be done in the presence of the Said Signers, who are at the Same time to Seal up with their Several Seals, the Said Stamps, which are then to Remain so Sealed up in the TREASURY until They Shall be Directed to be made use of by any future Act of the General Assembly, And in Case of the Death or Inability of the above named William Bradford to Print the Said Bills of Credit, the Said Signers, or the greater number of them Shall be & hereby are Impowered to appoint Some other Printer in his Place for the Services aforesaid & in Such Case Such Printer Shall take the Same Oath observe the Like Directions, & be Intituled to ye like Reward as is Provided for the Said Bradford

BE it enacted by the Same Authority that when the Exact Number & sorts of the Bills hereby Directed to be Struck, Shall be numbered & Signed by the Said Signers, they Shall deliver the Same to Abraham De Peyster, Treasurer of this Colony, or to the Treasurer thereof for the Time being, as likewise one Copy of each Impression thereof, upon which They shall Remark how the Bills are numbered, and to Leave Such Copies with the Said Treasurer, to be carefully preserved by him for the better Discovery of Counterfeits, if any Should happen to be made of the Said Bills.



And at the Time of Such Delivery the Said Signers are to take on oath upon the Holy Evangelists before the Mayor Recorder any Alderman of the City of New York, that the Bills then Delivered to the Said Treasurer are all the Bills Signed by them in Virtue of this Act, and that they will not Sign any more until by Act or Acts of the GENERAL Assembly there unto Impowered.

BE it Enacted by the Same Authority, That when the Said quantity & Sorts of the Said Bills are delivered to the Said Treasurer in manner as aforesaid, he Shall give a Receipt to the Said Signers for the Same, and not Employ them or any of them, for any other use or purpose whatever, than to Exchange them for Such Torn Shattered & Defaced Bills Emitted by the before mentioned two Long Bills or those already Exchanged in Liew of them, as Shall from time to time, be Tendered to him for that Purpose, which he is hereby Directed to do, Provided Such Bills are otherwise Good & Bonafide Struck by Virtue of the Acts herein Mentioned or Referred to

AND be it Enacted by the Authority aforesaid, That before the Said Bills Shall be Exchanged for the Purposes above mentioned by the Treasurer, He Shall first Sign Each of them, and write the names of two of the first Signers. And in every one that Shall be given out in Exchange, he shall first make the following additions towards the Left Side of the Arms of New York to wit, In Such as he Exchanges for original Bills the Figures only the Year they were Emitted in, whether one Thousand Seven Hundred & fourteen or One Thousand Seven Hundred & Seventeen But in Such as he Shall Exchange for Bills, that have been Exchanged before, he is first to write the Figures the year Such Bill was struck in for the purpose. Whether one Thousand Seven Hundred & Twenty Six or one Thousand Seven Hundred & Twenty Six or one Thousand Seven Hundred & Thirty, And under that the year Shall be written. Exchanged in Liew of, whether one Thousand Seven Hundred & fourteen or one Thousand Seven Hundred & Seventeen. The additions are to be observed, as Bills to be Struck in Virtue of this Act, Shall be Exchanged, To the end that no Error may be made when Bills are to be Cancelled, and the account kept thereof accordingly. And to facilitate the Exchange Sort of the Bills to be Exchanged in manner as aforesaid, to be Kept by the Treasurer in Separate Bundles.



Redier, be known to what number & to what Value of each Sort have been or Shall be Exchanged.

BE it further Enacted by the Authority aforesaid, That if any Bill or Bills of Credit Shall be Tendered to him for Exchanging, or for Paying Duties or Taxes, which he Shall have good Reason to Suspect are Counterfeit, or altered So as to appear of a higher Value Than they were Originally Struck for, It shall and may be Lawfull for the Said Treasurer, to Stop & detain Such Suspected Bill or Bills, and to Endorse thereon the name of the Person or Persons tendering the Same & the Time when, and all Such Bill or Bills, as he shall so Stop or detain, Shall by him be Delivered to the Court or Courts of Quarter Sessions, to be held for the City & County of New York, who thereupon are Either to Destroy the same in the Said Court, or to proceed thereon as to their Discretion Shall Seem meet. And it Shall & may be Lawfull to & for the Mayor, Recorder, or Alderman of the Said City, To Stop & Detain any Suspected Bill or Bills, and to do therewith what in Such Case is hereby Directed to be done by the Treasurer. And it Shall & may also be Lawfull for all Justices of the Peace in their Respective Counties within this Colony, to Stop & Detain Such Suspected Bill or Bills as aforesaid & making the above Mentioned Endorsement thereon, Deliver the Same from time to time, at the next General Sessions of the Peace to be held for Such County, who are thereupon Either to Destroy the Same in Such Court, or to proceed thereon as to their Discretion Shall Seem meet, and the Said Court or Courts are hereby required from time to time Respectively to Certify, to the Said Treasurer the numbers and Value of the Bills They Shall destroy in manner as aforesaid, PROVIDED nevertheless that nothing herein contained Shall alter or Lessen the Punishment Inflicted by this or any other Act of Assembly on Persons counterfeiting or Altering Bills of Credit made Currant in this Colony.

AND whereas it may reasonably be concluded, That of the Bills of Credit Emitted by Virtue of the Acts herein Mentioned, a considerable Quantity has already been Lost, and that still a farther Quantity will be Lost before the Expiration of the Time for which the currancy of those Bills is continued by this Act, and as Such Losses Redound altogether to the Benefit of this Colony, Be it Enacted by the Authority aforesaid, That the Treasurer Shall pay out of the Bills to be Emitted by Virtue

of this Act to the before named William Bradford, for Printing of all the Said Bills, and for Furnishing Penns Ink & Paper to Signers thereof the Sum of Ten pounds, and a Receipt for from the said William Bradford, Shall be a good Voucher & charge to the Treasurer for that Sum, and in the Bills so to pay'd he shall Instead of the additions herein before Directed add at the Left hand of the Arms of New York in Figures year One Thousand Seven Hundred and Thirty nine, To the they may be Distinguished from Bills Exchanged in Liew Others

BE it Enacted by the Authority aforesaid, That all the Bills of Credit, to be Emitt'd by Virtue of this Act, when Exchanged in Liew of other the Bills therein Mentioned, Shall be & Remain Currant in all Payments, and in the Treasury, as fully & Effectually to all Intents Constructions & Purposes whatsoever as other Bills of Credit made Currant in this Colony, by any former Act or Acts of the General Assembly thereof, until the before mentioned first Day of November which will be in the afore year of our Lord Christ one Thousand Seven Hundred & Eighty Seven.

AND for preserving the Reputation, as well of the Bills of Credit whereof the Currancy is herein before continued, as of those which are to be Emitt'd & Exchanged by Virtue of this Act, BE it Enacted by the Authority aforesaid, That if due to the Currancy of all the Said Bills, any Person or Persons, shall refuse to accept of any one or more of them, in Payment, or shall presume to Forge Counterfeit or Alter or cause to be Forged Counterfeited or Altered or willingly Act or Assist in the Forging Counterfeiting or Altering any one or More of the said Bills, or Shall Knowingly pass or give in Payment any one or more of the Said Bills so Forged counterfeited or altered at the time aforesaid, every Such Person Shall Incurr & be liable to the Same Pains Penalties & Forfeitures, which in the Acts are provided for in & by an Act of General Assembly passed by an Act for the Payment of the Debts & for the better Management of the Government of this Colony, Passed in the Eleventh year of his present Majesties Reign

AND if during the time hereby Limited for the Issuing of the Bills of Credit to be Emitt'd by Virtue of this Act, the Quantity of the Said Bills Should not actually amount according to the Directions & Intent of this Act,

By the Authority aforesaid, that all Such of the Said Bills, as Shall remain so unexchanged on the before mentioned first Day of November, which will be in the year one Thousand Seven Hundred & Fifty Seven, Shall continue & Remain in the Treasury, until the same shall be Disposed of by Act or Acts of the General Assembly thereafter to be Passed for that Purpose.

[CHAPTER 677.]

[Chapter 677 of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 1, 1740. Provided for by chapter 703.]

An Act Towards the further Supporting the Government of this Colony, until the first Day of December which will be in the year One Thousand Seven Hundred & Forty, By continuing the Duties Granted & continued by the Two Acts therein Mentioned.

[Passed, November 17, 1739.]

WHEREAS an Act Intituled an Act for Granting to his Majesty Several Duties Towards Supporting his Government in this Colony, for one year, at the Time & in the manner there in Mentioned, Passed in the Eleventh year of the Reign of his Majesty, being Expired by its own Limitation, was by a Subsequent Act passed in the Twelfth Year of his Said Majestys Reign with some Alterations thereto, Revived & continued to be of Force, until the first Day of December in the year of our Lord one Thousand Seven Hundred and Thirty Nine.

AND the General Assembly being willing to make a Suitable Provision Towards Supporting his Majesties Government, in & over this Colony for a Further Time, from & after the Time above Mentioned

BE it Enacted by his Honour the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above Mentioned Act Intituled an Act for Granting to his Majesty Several Duties Towards Supporting his Government in this Colony, for one Year, at the Time & in the Manner therein Mentioned passed in the Eleventh year of his Majesties Reign, as Likewise the Act Intituled an Act for Reviving an Act Intituled an Act for granting to his Majesty Several Duties Towards Supporting his Government in this Colony, for one year, at the Time, & in the manner therein Men-



tioned, with Some alterations thereto passed of his Said Majesties Reign, Shall be & hereby further Continued, & every Clause Article Maintained in them, To remain & be of Full force & Intents Constructions & Purposes whatsoever of December now next ensuing, Until the first of January which will be in the year of our Lord, one Thousand Seven Hundred & Forty.

AND whereas it is conceived that Drawing Duties on the Exportation of Goods may Contrary to the Encouragement of Trade & Navigation Burden Merchants from great Burdens & Impositions, otherwise labour under.

BE it therefore Enacted by the authority of any of the Wines Imported in this Colony from the beginning of this Act, & during the Continuance of the same, that no Wine (excepted) shall be Exported to any Place or Places beyond the Limits of Connecticut & New Jersey excepted) without first paying the Duty on its Importation, there Shall be Drawn back or Secured to be paid for the Same, The Sum of Five Shillings for every Pipe of Wine filled up, that Shall be subject to the Restrictions and Regulations herein Expressly directed.

AND to prevent all manner of Fraud in the Importation of Wines Mentioned. BE it Enacted by the Authority of this Colony, that before any Person or Persons, Shall be Intituled to the Benefit thereof, He or They Shall Enter into Bond for Exportation, with the Treasurer before the same, and at the Same time, take an oath, or if a Corporation, make a Declaration before the Said Treasurer, that all the Wines for Exportation were Imported in the

that the said Person was Master, and that the Wines were actually entered with the Treasurer of this Colony, and actually paid or Secured to be paid on the same, and that the Wines Entered for Exportation were Intended to be Transported Beyond Sea Except the Limits of Connecticut and New Jersey, and that the Wines are not Intended to be relanded in this Colony. He or She thereafter Shall know or Suspect the Wines to be Relanded or Intended to be Relanded in this Colony, Shall Immediately give notice thereof unto the



& in the above first Blank is to be Incerted the name of the Ship or Vessell, in which Such Wines were Imported, in the Second Blank, the name of the Master of Such Ship or Vessell, in the third Blank, the day of the month, and in the last the Month & year.

BE it further Enacted by the Same authority, that when an Exporter of Wine, has Proceeded in the manner herein before directed, the Said Treasurer Shall give a Certificate unto Such Exporter of the Number of Pipes he has Entered for Exportation, and that he has taken an oath or Affirmation, That the Same is or are not Intended to be Relanded in this Colony, and when Such Exporter Shall accordingly have Shipped the Same, He is to take an Oath or if a Quaker an affirmation of the Exact Number of Pipes of Wine filled up He has Shipped in pursuance thereof, in what Vessell, To what Port Bound, and the Time when which oaths or affirmations the said Treasurer is hereby Impowered & required to administer, and to have them put on a File or Entered in a Book, as well for his own Justification, as to be made use of, if any Indirect Practices, Should happen.

BE it Enacted by the authority aforesaid THAT when Wine is shipped for Exportation in the manner afore Mentioned, and it appearing, that the Same was Imported after the first Day of December next Ensueing, and Exported within Six months after the Importation, The Said Treasurer Shall then & in such case allow Twenty Shillings on every Pipe of Wine filled up so Exported, and if the Duty thereof is not actually Paid at that Time, to Remit or Deduct the Same out of the Said Duty But if the Duty thereof has been then actually Paid, then & in such Case, To pay unto such Exporter within Three months thereafter, the before mentioned Draw Back of Twenty Shillings for Every Pipe of Wine filled up so Exported by him & what Shall be paid or Remitted by the Treasurer, for Such Draw Back, Shall be allowed to him in his Accompts, if vouched and proved by the Oaths or Affirmations herein before Directed.

BE it further Enacted by the Same Authority, That if any Wine for which Such Draw Back as aforesaid, has been paid or Remitted, Should be Relanded openly and fairly, and Duely Entered the Said Draw Back, is to be paid Back, to the Said Treasurer, who is again to give Credit for it, but if Such Wine Should be Relanded in a Private or Clandestine manner, the Same Shall be Forfeited & the Exporter thereof, Shall more

over Forfeit double the Value of all the WINE so Reland his Majesty his Heirs & Successors, to be applied to and for uses here under mentioned to be recovered in any Court Record within this Colony, wherein no Essoin Protection Vouch or Law or more then one Imparllance Shall be allowed, one of which Forfeiture to be paid to the Treasurer to and for Support of this Government, and the other half to any Person or Persons That Shall sue for the Same to Effect.

BE it further Enacted by the Same Authority, That if any Person Draw Back, which Shall be Remitted or Paid, by virtue of any Act, the Treasurer Shall keep a Particular accompt and be Obliged to Render the Same to the Lieutenant Governor or Commander in chief for the Time being, to the Council or the General Assembly, when by them or any of them then required

[CHAPTER 678.]

[Chapter 678 of Livingston & Smith and Van Schaack, where the only is printed.]

An Act to Raise in the Township of Schanegtade a Sum not Exceeding Thirty Pounds for the use therein Mentioned.

[Passed, November 17, 1733]

WHEREAS in and by an Act of the General Assembly Intituled an Act to Enforce part of an Act Intituled an Act for Raising Fifty Pound in the Township of Schanegtade for their old Church Defencible and other Fortifications in the Town, and for amending Some Gullies at the End of Some Streets in the Same, & for Erecting a Bridge & Repairing Roads at the Places therein Mentioned, Passed in the 10th year of his Majesties Reign, it was amongst other things therein provided that the Justices of the Peace residing within the Township, or the greater number of them, Should by Warrants under their hands & Seals, order and Direct the Surveyor of the Said Township for the time being, to Levy of and from all the Freeholders Inhabitants of the Said Township, over & above their annual Contingent Charges a Sum not Exceeding thirty Pounds, to and for making the Old Church Defencible, as in and by the Said Act Refered to had may more at Large appear.

AND whereas the aforesaid Sum has been actually Raised & Employed in making the Old Church in the Said Town defencible according to the Intent & Direction of the Act above mentioned, But as the Cost thereof has so far Exceeded the Sum Raised for that Purpose, that Several Materials & Workmen remain unpaid, and it being Just & Reasonable that the Same Should be Discharged, BE it Enacted by the Lieutenant Governour, the Council & the General Assembly, & it is hereby Enacted by the Authority of the Same, that the Justices of the Peace Residing in the Township of Schanegtade, or the greater number of them, shall be and hereby are authorized and Impowered, to order and Direct, by Warrant under their Hands and Seals, the Supervizor of the Said Township for the Time being, To raise assess and Levy of and from all the Freeholders Inhabitants and Sojourners in the Said Township, over and above their anual necessary and Contingent Charges, a Sum not Exceeding the Sum of Thirty Two pounds in Such manner and under Such Regulations, Fines & Forfeitures as are mentioned and Directed in and by another Act, Intituled an Act for Raising fifty Pounds in the Township of Schanegtade for making their old Church Defencible and other Fortifications in the Said Town, passed in the Eighth year of his Said Majesties Reign.

AND be it further Enacted by the Authority aforesaid, That when the said sum of money Shall be Raised Levyed and Paid in the manner as in and by the last mentioned Act was and is directed, it Shall be Employed for the Payment & Discharge of the Materials & workmanship which remain unpay'd as aforesaid and to & for no other use or purpose whatever

[CHAPTER 679.]

[Chapter 679 of Livingston & Smith and Van Schaack, where the title only is printed. Revived by chapter 893.]

An Act to Revive an Act Intituled an Act to Impower the Justices of the Peace in the County of Albany Living or Dwelling in the Town of Schanactade in the Said County, to Regulate the Streets & High Ways & to prevent accidents by Fire in the Said Town.

[Passed, November 17, 1739.]

WHEREAS an Act Intituled an Act to Impower the Justices of the Peace in the County of Albany, Living or Dwelling in the



Town of Schanactade in the Said County, To regulate the Streets & High Ways & to Prevent accidents by Fire in the Said Town. Passed in the Thirteenth year of his late Majesties Reign, was a Subsequent Act continued until the Tenth Day of July Thousand Seven Hundred and Thirty Five and from thence to the End of the next Session of the General Assembly & no Law and the Act having been found by Experience to be very useful & Beneficial in the Said Town.

BE it therefore Enacted by his Honour the Lieutenant Governor the Council & the General Assembly and it is hereby acted by the Authority of the same, that the above mentioned Act intituled an Act, to Impower the Justices of the Peace in the County of Albany, liveing or Dwelling in the Town of Schanactade in the Said County, to regulate the Streets & High Ways & to prevent Accidents by Fire in the Said Town, shall & hereby is Revived and every Clause Article and thing therein contained to be & remain of Force From the Publication hereof until the first Day of December which will be in the year of our Lord Christ one Thousand Seven Hundred & Forty Four.

[CHAPTER 680.]

[Chapter 680 of Livingston & Smith and Van Schalck, where the only is printed.]

An Act for Raising in the South part of Orange County a Sum not Exceeding Five Hundred Pounds for Finishing and Completing the Court House & Goal in Orange County.

[Passed, November 17,

WHEREAS the Justices of the Peace of Orange County a Greater number of Them, have by Virtue of an Act of the General Assembly Passed in the Tenth year of his Majesty's Majesty intituled an Act, To Enable the Justices of the Peace of Orange County to Build a Court House and Goal, and where the Justices of the Peace aforesaid, or the greater Number of Them, out of the money Levyed & Collected, by virtue of the said Act, already Built and Erected, the Said Court House and Goal in the Town of Orange, But for as much as the money so Built and Collected as aforesaid was not Sufficient to Finish and to Secure Prisoners, unless some or all of the aforesaid Justices had Engaged their Personal Security and Credit for the said such part as proved Deficient, and to the End that the said Justices may not Suffer by Engaging for so Publick and necessary



ing, and that the Same may be Finished and compleated, as well for the conveniency of Courts of Justice as for Securing of Prisoners

BE it therefore Enacted by the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That to & for the Purposes hereinafter Mentioned the Justices of the Peace Living on the South Side of the Mountains in the Said County, or the Major part of Them, Shall be & hereby are Authorized and Required, after the Publication of this Act, to Raise Levy & Collect of & from and upon all and every the Freeholders Inhabitants and Sojourners within that part of Orange County, which Lyeth to the South of the aforesaid Mountains at Such time & times as to them or the Greater number of them Shall Seem convenient, a Sum not Exceeding the Sum of one Hundred Pounds by the Same Rules & Methods, and under the Same regulations and Restrictions as is Enacted ordered & Directed, in and by the aforesaid Act of the General Assembly, in as full & ample manner to all Intents Constructions and Purposes whatsoever, as if those Clauses in the Said Act had been Particularly and at Large Incerted in the Body of this Act.

BE it further Enacted by the authority aforesaid that the money to be raised by virtue of this Act, Shall from time to time BE paid by the Several & respective Collectors unto the Managers which were appointed by the Justices by Virtue of the Aforesaid Act, and the Money arising by Virtue of this Act, Shall be Employed for Materials & workmanship to and for the use & purposes aforesaid, and to no other use whatsoever, according to Such orders and Directions as They Shall from time to time receive for that Purpose, from the Said Justices or the greater part of them, They the Said Managers Rendering an accompt of the Moneys received by them when there unto Required, by the Aforesaid Justices or the greater number of Them

#### [CHAPTER 681.]

[Chapter 681 of Livingston & Smith and Van Schaleck, where the title only is printed. See chapter 595. Revived by chapter 882.]

An Act to Revive an Act Intituled an Act for the Encouragement of Whaling.

[Passed, November 17, 1739.]

BE it Enacted by his Honour the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by

the Authority of the Same. That one Act of General Assembly Intituled an Act for the Encouragement of Whaling Passed in the Seventh year of the reign of her late Majesty Queen Anne of Glorious Memory Expired by its own Limitation Shall be & hereby is Revived & Enacted to Continue & remain of Force from the Publication hereof until the first Day of December which will be in the year of our Lord one Thousand Seven Hundred and Fifty,

[CHAPTER 682.]

[Chapter 682 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 574. Expired December 1, 1744. Provided for by chapter 774.]

An Act to Continue an Act Intituled an Act to prevent the Distruction of Sheep by Dogs

[Passed, November 17, 1739.]

WHEREAS an Act of the General Assembly Intituled an Act to prevent the Distruction of Sheep by Dogs, passed in the Sixth year of his present Majesties reign will Expire by its own Limitation on the first day of December next & the Said Act having been found usefull,

BE it therefore Enacted by his Honour the Lieutenant Governor the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, that the above mentioned Act Intituled an Act to prevent the Distruction of Sheep by Dogs, passed in the Sixth year of his present Majesties reign Shall be, and hereby is continued from the Said first Day of December next unto the first Day of December which will be in the year one Thousand Seven Hundred & Forty four.

[CHAPTER 683.]

[Chapter 683 of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 1, 1740.]

An Act to Apply the Monies Granted for the Support of this Government, as well for Discharging the Salaries & Contingencies that have accrued already, as those that will become Due by the first Day of September One Thousand Seven Hundred and Forty.

[Passed, November 17, 1739.]

WHEREAS an Overplus in the Treasury as well as the Interest  
do arise during a Certain time by virtue of an Act of Gen-

eral Assembly Intituled an Act for Emitting Bills of Credit for the Payment of the Debts & for the better Support of the Government of this Colony, & other Purposes therein Mentioned, passed in the Eleventh year of his present Majesties reign; and all the Monies arisen or to arise by the Duties & Impositions Granted by another Act Intituled an Act for Granting to his Majesty Several Duties towards Supporting his Government in this Colony for one year at the time & in the manner therein Mentioned passed in the Said Eleventh year of his said Majesties reign, as Likewise all the Monies Arisen or to Arise by Virtue of one other Act Intituled an Act for Reviving an Act Intituled an Act for Granting to his Majesty Several Duties towards Supporting his Government in this Colony for one year, at the time & in the Manner therein Mentioned, with Some Alterations thereto, passed in the Twelfth year of his Said Majesties reign were appropriated to and for Supporting his Majesties Government in and over this Colony, and to and for no other use or purpose whatsoever, with this Express Restriction THAT all the Monies before mentioned Should remain in the Treasury until the Same Should be apply'd to and for the use aforesaid by Act or Acts of the General Assembly thereafter to be passed for that Purpose, as in & by the Several Acts above mentioned (Reference being had thereto) may more Perticularly & at Large appear.

AND Whereas the General Assembly are Desirous & Willing to make Such application accordingly, to the End the Salaries of the Several officers, and the necessary contingent Charges of this Government may be paid & discharged. BE it Enacted by the Lieutenant Governour, the Council & the General Assembly, and it is hereby Enacted by the authority of the Same, That the Treasurer of this Colony Shall be, and hereby is Impowered & Required to pay out of the Monies arisen or to arise by virtue of the Several Acts before mentioned the Several Salaries contingencies and allowances following in the manner herein Directed, That is to Say.

To his honor the Lieutenant Governour As soon as a Copy of this Act Shall be Printed the Several Sums following, That is to Say.

For his Administring the Government of the Colony of New York from the first day of September one Thousand Seven Hundred & Thirty Seven to the first day of September in this present year one Thousand Seven Hundred & Thirty nine the Sum of Two Thousand Six Hundred Pounds.

FOR fire wood & candles furnished & to be furnished by 1 for the Fort & Garrison in New York from the Thirteenth June One Thousand Seven Hundred & Thirty Eight to thirteenth Day of June which will be in the Year One Thousand Seven Hundred & Forty the Sum of Eight Hundred Pounds.

For Repairing of Fortifications from the Thirteenth of June One Thousand Seven Hundred & Thirty Eight, To the Thirteenth of June which will be in the year one thousand Seven Hundred & Forty, the Sum of Four Hundred Pounds out of which Sum the Barracks in his Majesties Fort George are to be put in good & Sufficient Repair. And after the Twenty Fifth of March next For Presents to the Six Nations of Indians from the Thirteenth of June One Thousand Seven Hundred & Thirty Eight To the Thirteenth of June which will be in the Year One Thousand Seven Hundred & Forty, the Sum of Eight Hundred Pounds, which is to be Layd out in Proper Presents for Said Nations, When his Honour goes to Albany to renew Treaty with them.

AND when his Honour goes to Renew the Said Treaty at Albany the Sum of one Hundred & Fifty pounds for the Expenses of his Voyage Thither.

To James DeLancey Esq'r as Chief Justice of this Colony for his going the Circuits in the Several Counties thereof From the first of September One Thousand Seven Hundred & Thirty Seven, To the first day of September in this present year One Thousand Seven Hundred & thirty nine, the Sum of Six Hundred pounds.

To the Said James De Lancey Esqr. the Sum of Five pounds Ten Shillings Advanced by him for an Express to Albany upon an Information that a Quantity of Counterfeit Bills Printed in Ireland were carry'd Thither.

To Fredrick Phillipse Esqr. Second Justice of the Supreme Court & for his going the Circuits from the first Day of September one Thousand Seven Hundred & Thirty Seven, To the first Day of September one Thousand Seven Hundred & Thirty Eight the Sum of One Hundred & Fifty pounds.

To Daniel Horsemenden Esq'r Third Justice of the Supreme Court for his past Services in going Several Circuits until the time the Sum of Seventy Five pounds.

To the Commissioners of Indian affairs at Albany for their Disbursements and Expences to the Six Nations & other Indians and for Presents Imploy'd by them for the Publick Service, for



the first of September one Thousand Seven Hundred & Thirty Seven, To the first Day of September in this present year one Thousand Seven Hundred & Thirty nine, the Sum of Three Hundred & Forty pounds, Out of which Sum they are to Reimburs Collonel Jeremiah Van Renselaer, the Sum of Twenty pounds, which he advanced by their approbation for Presents carry'd by the Smith to the Sinekas Nation Sent to Reside amongst Them in the year One Thousand Seven Hundred & Thirty Six.

To Cap't Stephen Van Renselaer for having provided for and furnished Fire Wood & Candles for the Several Garrisons in the City & County of Albany from the Thirteenth of June one Thousand Seven Hundred and Thirty Seven to the Thirteenth of June in this present year one Thousand Seven Hundred & Thirty nine the Sum of Four Hundreded Pounds.

To Lowrence Clason the Indian Interpreter for his Salary & for all other Services that he has been Directed to do by the Governour & the Commissioners of Indian Affairs from the first of September one Thousand Seven Hundreded & Thirty Seven, To the first Day of September in this present year one Thousand Seven Hundreded & Thirty Nine, the Sum of one Hundreded & Eighty Pounds.

To the Secretary of this Colony for Enrolling & Engrossing the Acts of General Assembly, from the first Day of September, one Thousand Seven Hundreded & Thirty Seven To the first Day of September in this present year One Thousand Seven Hundreded & Thirty nine the Sum of Sixty Pounds.

To the Clerk of the Council for his Service and Attendance on the Council during the Sitting of the Assembly, and for all other Publick Services performed by him, from the first of September one Thousand Seven Hundreded & Thirty Seven, To the first Day of September One Thousand Seven Hundreded & Thirty nine, The sum of Sixty Pounds.

To George Lurting for his Service as Land & Tide Waiter of the Colony Dutys, from the Thirty first of December one Thousand Seven Hundreded & Thirty Seven, To the Thirty first Day of December one Thousand Seven Hundreded & Thirty Eight, The sum of Thirty pounds.

To Samuel Heath for his Service as Land & Tide Waiter of the Colony Dutys from the first Day of May in this present year, one Thousand Seven Hundreded & Thirty nine, To the first Day of September following the Sum of Ten pounds.

To John Kip for his Service as Guager of Liquors Subject a Duty in this Colony, From the first Day of May, until the first Day of September in this present year, One Thousand Seven Hundered & thirty Nine The Sum of Ten pounds.

To the Door Keeper of the Council for all his Services in the office from the first of September, one thousand Seven Hundered & Thirty Seven, To the first of September in this present year one Thousand Seven Hundered & Thirty Nine, The sum of Four Pounds

To George Duncan as Clerk to the General Assembly, as well for all his Services in that office & all other Incidents to it. as in Engrossing all Publick Acts, between the fourth of April, one Thousand Seven Hundered & Thirty Eight, and the fourteenth of April, one Thousand Seven Hundered and Thirty nine Inclusive, the Sum of Thirty Six pounds Twelve Shillings being Sixty one Days at Twelve Shillings pr. Diem.

To Alixander Lamb for his Services as Door Keeper to the General Assembly between the fourth of April, one Thousand Seven Hundered and Thirty Eight, To the fourteenth of April, one Thousand Seven Hundered and Thirty nine, Inclusive the Sum of Fifteen pounds five Shillings being for Sixty one Days at five Shillings pr. Diem.

To the Said Alixander Lamb for Sundry Disbursements made by him, as well in Repairing & cleaning the Assembly Chamber in New York As for Removing of the Chairs Books & Papers from and from Greenwich and, afterwards to and from the House of Mr. Hermanus Rutgers near the Fresh Water, the Sum of Ninety pound Fifteen Shillings & Six pence.

To Daniel Gautier for making & providing a Table for the General Assembly at Greenwich and for fitting & fixing it afterwards at Mr. Rutgers near Fresh Water the Sum of one pound Four Shillings & Three pence.

To John Peter Zenger in full for his Service in Printing the Publick to the Twenty Eight of October one Thousand Seven Hundered and Thirty Eight, The Sum of Twelve pound & Six Shillings.

To William Bradford for Printing the Votes and Acts of the General Assembly, and Delivering a Set thereof to each of the Members, and to each Counciler, and a Set of Acts to each of the County Clerks, & for Printing Proclamations & other Publick Acts of the Government, until the first day of September



this present year One Thousand Seven Hundered & Thirty nine, The Sum of Twenty Five pound.

To Coll'o Phillip Schuyler, to and for the use and behoof of Michael Bassel, and the Several Persons that were Sent with him by order and for the Service of this Government, to the Senekas Country, and Residing in it from the Twentieth of July one Thousand Seven Hundered & Thirty Six, To the Twentieth of July One Thousand Seven Hundered & Thirty Seven, as well to Repair the Armes of the Indians of that Nation, and to keep them Steady in the Brittish Interest, as to prevent the French from making any Settlement in that Country, The Sum of Eighty pounds.

To the Said Coll'o Phillip Schuyler to and for the use and Benefit of Joost Van Sice, and the Several other Persons that were Sent along with him by order & for the Service of this Government, to the Sinekas Country, and Residing in it from the Twenty fifth of July, one Thousand Seven Hundered & Thirty Seven, To the Twenty fifth of July, One Thousand Seven Hundered & Thirty Eight, as well to Repair the Arms of the Indians of that Nation & to keep them Steady in the Brittish Interest, as to prevent the French from making any Settlement in it, The Sum of Eighty Pound.

To the Said Coll'o Phillip Schuyler, to and for the use Benefit & behoof of Michael Basset, and the Several other Persons that were sent along with him by Order and for the Service of this Government, to the Sinekas Country, and Residing in it from the Twenty fifth of July, one Thousand Seven Hundered & Thirty Eight, To the Twenty Fifth of July in this present year, One Thousand Seven Hundered & Thirty nine, as well to Repair & amend the Arms of the Indians of that Nation, and to keep them Steady in the Brittish Interest, as to prevent the French from making any Settlement in it, The Sum of Eighty Pound.

To the Reverend Henry Barclay for his Extraordinary care Industry and Dilligence as well in Instructing the Indians in General, & more particularly the Mohawk nation, in the Christian Religion, as to civilize and confirm them in the British Interest, The sum of Twenty pound.

AND to Abraham Depeyster Esq'r Treasurer of this Colony, to be retained by him, to and for his own use out of the monies hereinbefore Mentioned, The Sum of Four Hundered Pound, for all the services perform'd by him in that Office, from the

first day of September, one Thousand Seven Hundred and THIRTY Seven To the first day of September in this present year, one Thousand Seven Hundred & Thirty nine.

BE it Enacted by the Authority aforesaid, that upon Payment made by the Treasurer of all or any of the Sum or Sums of money hereinbefore Directed to be paid by him, Each of the Person & Persons to whom Such Sum or Sums are hereby Directed to be paid, Shall upon Receiving the Same, Sign and give unto him a Proper Receipt or Receipts accordingly, all which Receipts Shall be a good Voucher & Sufficient discharge to the Said Treasurer for all Such part & parts of the Several Articles herein before Mentioned, as do not exceed the Respective Sum or Sums hereby Particularily Directed to be Paid by him.

AND BE it further Enacted by the Same Authority, That if the Money Arisen or to arise by virtue of the Acts, and the overplus herein first Mentioned, Shall exceed the Several Articles hereby Directed to be Paid out of the Same, all Such surplus Shall be Employ'd for & towards the Future Support herein after Mentioned, AND if the Money aforesaid will not fully Discharge all the Said Articles, Such Deficiency Shall be made good out of the Money to arise by Virtue of the Act herein after Mentioned.

AND whereas the General Assembly have by one other Act Intituled an Act, Towards the further Supporting the Government of this Colony until the first day of December, which will be in the year one Thousand Seven Hundred and Forty, by continuing the Duties Granted & continued by the two Acts therein Mentioned, passed in this present Session, made Provision towards the further SUPPORT of his Majesties Government in and over this Colony, with the like Express Restriction herein before Mentioned, That the money to arise thereby Should remain in the Treasury, until the Same Should be applyed for and towards the Support aforesaid, by Act or Acts of the General Assembly to be Passed for that Purpose.

AND the Said General Assembly being Desirous that the Salaries, and the necessary Contingencies of this Government Should not Remain so long unpayd, as the same have of Late been.

BE it Enacted by the Authority aforesaid, That out of the last Mentioned Surplus, and out of the Interest Money to arise by



the Act herein first Mentioned, and out of the Money to arise by virtue of the herein Last Mentioned Act, the Treasurer of this Colony, Shall be and hereby is Authorized and Required to Pay, in the manner herein after Directed, the Several Salaries Contingencies and Allowances following, to wit.

TO the Lieutenant Governour for his administering the Government of this Colony, from the first Day of September, in this present year one Thousand Seven Hundreded & Thirty nine, To the first Day of September which will be in the year one Thousand Seven Hundreded & Forty, The Sum of Thirteen Hundreded Pound, and after that Rate, if by Death or otherwise, the Said Administration Should not remain vested in him so Long as to the Time last mentioned.

To the Said Lieutenant Governour in June next the Sum of Four Hundreded Pound, for Providing & Furnishing the Fort, & Garrison in New York With Fire wood & Candles, from the Thirteenth of June, one Thousand Seven Hundreded and Forty, To the Thirteenth of June which will be in the year one Thousand Seven Hundreded & Forty one.

TO the Said Lieutenant Governour in June next the Sum of two Hundreded Pound, for Repairing Fortifications, From the Thirteenth of June one Thousand Seven Hundreded & Forty, to the Thirteenth of June which will be in the year one Thousand Seven Hundreded and Forty one.

To James De Lancey Esq'r as Chief Justice of the Supream Court of this Colony, and for his going the Circuits, in the Several Counties thereof, From the first of September Last, to the first Day of September which will be in the year, one Thousand Seven Hundreded & Forty, The Sum of Three Hundreded Pound, and after that Rate if by Death or otherwise He should not hold that Post so long, as to the time last Mentioned.

To Frederick Phillipse Esq'r as Second Justice of the Supreme Court, and for his going the Circuits from the first day of September Last to the first day of September, which will be in the year, one Thousand Seven Hundred & Forty, the Sum of one Hundred Pounds, and after that Rate if by Death or otherwise, He Should not hold that Post so long as to the Time last Mentioned.

To Daniel Horsemanden Esq'r as third Justice of the Supream Court, and for his going the Circuits when there Shall be occasion for the Same, from the first of September Last, To the first of September, which will be in the year, one Thousand Seven Hun-

dered & Forty, The Sum of Fifty pound, & after that Rate if by Death or otherwise, He Should not hold that office, so Long to the Time last Mentioned.

TO the Commissioners of Indian Affairs at Albany for the Disbursements & Expences respecting the Six Nations and of Indians and for Presents to be made by them, as occasions require, for the Publick Service of this Colony, From the first day of September last past, to the first day of September, which will be in the year, one Thousand Seven Hundered & Forty, the Sum of one Hundered & Seventy Pound.

To Captain Stephen Van Renselaer after the Month of June next for furnishing the Several Garrisons, in the City & County of Albany with Fire Wood & Candles, from the Thirteenth of June last past, until the Thirteenth of June which will be in the year one Thousand Seven Hundered & Forty, the Sum of one Hundered Pound.

To Lowrence Classen the Indian Interpreter for his Salary for all other Services that He has been or may be Directed to perform by the Governour, or the Commissioners of Indian affairs, from the first of September last past, To the first of September, which will be in the year One Thousand Seven Hundered & Forty, the Sum of Ninety Pound, & after that Rate if by Death or otherwise He should not perform that Service to the time last Mentioned.

TO the Secretary of this Colony, for the time being for copying & Engrossing the Acts of the General Assembly, from the first Day of September last past, To the first Day of September, which will be in the year one Thousand Seven Hundered & Forty, the Sum of Thirty Pound. TO the Clerk of the Council for his Service and Attendance on the Council during the Sitting of the General Assembly, and for all Publick Services performed to be performed by him in that Station, From the first Day of September Last, to the first day of September which will be in the year One Thousand Seven Hundered & Forty the Sum of Thirty Pound.

To Samuel Heath or the Land & Tide Waiter of the County of Dutchess or to the Land & Tide waiter for the time being, from the first day of September last, To the first of September, which will be in the year One Thousand Seven Hundered & Forty, the Sum of Thirty Pound.

TO John Kip for his Service as Guager of Liquors Subject to a Duty in this Colony, or to the Guager for the Time being from the first Day of September last, To the first of September, which will be in the year One Thousand Seven Hundered & Forty, the Sum of Thirty Pound.



will be in the year One Thousand Seven Hundreded & Forty the sum of Thirty Pound.

TO the Door Keeper of the Council for the time being, for all his Services in that Station, from the first of September Last, to the first of September, which will be in the year, one Thousand Seven Hundreded and Forty, the Sum of Twenty pound.

TO George Duncan Clerk of the General Assembly, or to the Clerk for the Time being, as well for all his Services in that Office and all other Incidents to it, as for Engrossing all Publick Acts, from the Twenty Eight day of August last past, until the first of September which will be in the year one Thousand Seven Hundreded & Forty, at the Rate of Twelve Shillings pr. Diem upon a certificate of the General Assembly Signed by the Speaker, for the Number of Days which He has served or may Serve in Each Session.

TO Alixander Lamb Door Keeper of the General Assembly, or the Door Keeper for the time being, from the Twenty Eight Day of August last past until the first Day of September which will be in the year one Thousand Seven Hundreded & Forty, at the rate of Five Shillings a Day upon a Certificate from the General Assembly Signed by the Speaker, for the Number of Days He has attended that Service in each Session, out of which Sundays are to be Deducted.

TO William Bradford as Publick Printer of this Colony, for printing the Votes Proceedings & Acts of the General Assembly, & delivering a Set of the Said Acts, To each of the Members, and to each Councillor, as Likewise to each of the County Clerks, and for Printing Proclamations, and all other Publick Acts of the Government from the first Day of September last past, To the first Day of September, which will be in the year One Thousand Seven Hundreded & Forty, after the Rate of Fifty Pound pr. annum.

AND to Abraham De Peyster Esq'r Treasurer of this Colony, to be retained in his hands & to and for his own use, out of the Monies herein before mentioned, the Sum of Two Hundred Pound, for all the Services which have been, or Shall be Performed by him in that office, from the first Day of September Last until the first Day of September, which will be in the year One Thousand Seven Hundred and Forty.

AND for the Due and orderly Issuing of the Monies hereby Directed for Payment of the Several Articles allowed in this Act, from the first of September last, To the first of September

one Thousand Seven Hundreded and Forty. BE it Enacted by the Authority aforesaid, That the Same Shall be in manner following, That is to Say. The Article of Thirteen Hundred Pound to the Lieutenant Governour, The Articles to the Chief Justice, The Second & Third Justices of the Supreme Court, To the Indian Interpreter, To the Secretary To the Clerk of the Council, To the Land & Tide Waiter, To the Guager, To the Printer, and to the Door Keeper of the Council, Shall be upon Warrants to be Issued Quarterly Signed by the Lieutenant Governour or commander in chief, for the Time being in Council by and with their advise and consent: And the following Allowances and Articles: to wit, For Fire Wood and Candles to the Garrisons in New York, For Repairing Fortifications, For Fire Wood and candles to the Garrisons in Albany County, and to the Commissioners of Indian Affairs at Albany, Shall be upon the Like warrants to be Issued in Council after the Thirteenth of June next Ensuing.

BE it Enacted by the Same Authority, that every Such Warrant & Warrants as aforesaid, Issued at the time and times above Mentioned for the respective Sum & Sums allowed in this Act, Shall be Pay'd by the Treasurer out of the Money hereby applied for that purpose, to the Person & Persons to whom the Same Shall be made Payable, or to his or their Assigns, and his or their Receipts being Endorsed thereon, Shall be to the Said Treasurer a good Voucher & Discharge in Law for so much as thereby Shall be acknowledged to have been Received, Provided the Same do not exceed the respective sum or sums allowed in this Act.

BE it Enacted by the authority aforesaid, That if the Lieutenant Governour Should Die or be Superceeded in the Administration of this Government or any other of the above Mentioned officers Should happen to Die or be Removed from their Respective offices, before the first day of September which will be in the year one Thousand Seven Hundreded & Forty, Warrants may Issue in Council in manner as aforesaid for so much out of the respective Sum or Sums allowed in this Act, as at the Time of Such Death Supercedure or Removal might Bonafide be Due to him or Them. And if Such Warrant or Warrants do not Exceed what may really be in arrear at Such time or times, the Treasurer is to pay the Same to him or Them Respectively, or to his or their Executors Administrators or Assigns And the remainde



of Such Allowance or Allowances is to be kept in the Treasury til Disposed of by Act or Acts to be passed for that Purpose.

BE it Enacted by the Same Authority, That if by mistake or otherwise any warrant or warrants might Issue in manner as aforesaid, not provided for in this Act, or Exceeding any of the Sums allowed in it, and that the Same Should be Tendered for Payment to the Treasurer, it Shall be Lawfull for him, and He is hereby required not to pay the Same. And if any Action Should be Brought against him for Refusing to Pay Such Warrant or Warrants, He may plead the General Issue, and give this Act & the Special Matter thereof in Evidence, And if the Plaintiff Discontinue his Action, be non suit, or a verdict pass against him, The Said Treasurer Shall recover treble cost of Suit, as in Cases where cost by Law are allowed.

BE it further Enacted by the authority aforesaid, That the Said Treasurer Shall Pay unto the Clerk and Door Keeper of the General Assembly so much as in this Act is allowed to each of them, upon their Producing to him such Certificates as is herein before Mentioned, and their respective Receipts Endorsed upon such Certificate, Shall be to him a good Voucher & Discharge in Law for so much as Shall therein be acknowledged to have been received, Provided the same do not exceed the rate hereby Directed to be allowed to each of Them. And the Salary of Two Hundered Pound allowed in this Act to the Said Treasurer for the Services performed & to be performed by him, From the first of September, one Thousand Seven Hundered & Thirty nine, To the first of September one Thousand Seven Hundered & Forty, Shall be a good Discharge to him for so much in his accounts, Provided the Same doth not Exceed the Sum above mentioned.

BE it Enacted by the Same Authority, that when the Several Articles allowed in this Act Shall be Payd & Discharged out of the Monies hereby applyd for it, all the remainder of the Said Monies Shall be kept in the Treasury until the Same Shall be applied for the Support of this Government by Act or Acts hereafter to be passed for that Purpose.

AND to remove all manner of Scruples concerning the Restrictions contained in the Several Acts herein before Mentioned, to wit, That the monies to arise by them, Should Remain in the Treasury, until the Same Should be applied by Act or Acts thereafter to be Passed for that Purpose. BE it Declared &

Enacted by the Authority aforesaid, That the application made in this Act is agreeable to the true Intent & meaning all & every of the Acts aforesaid, and that the present application Shall be Deemed & held good, Valid, Legal & authentick all Intents constructions & Purposes whatever, the Said Restriction or any other matter or thing in the before mentioned Act or in any one of them to the contrary thereof notwithstanding.

AND be it further Enacted by the authority aforesaid, That the Treasurer Shall keep Exact Books of the Several Payments which He is by this Act Directed to make, Distinguish therein, what part is for arrearages, and what part is allowed from the first of September last passed, and to Render the accounts thereof upon oath to the Lieutenant Governor Commander in chief for the time being, to the Council, and the General Assembly when by them or any of them thereunto Required.

#### [CHAPTER 684]

[Chapter 684 of Livingston & Smith and Van Schaack, where the only is printed. Expired November 1, 1740.]

An Act letting to Farm the Excise  
Strong Liquors Retailled in this Colony for  
Time & to the Persons therein Mentioned.

[Passed, November 17, 1733]

WHEREAS by an Act of the General Assembly Entituled an Act for laying an Excise on all Strong Liquors retailled in this Colony, passed in the Twelfth year of the Reign of her Majesty Queen Anne, there was given and Granted unto Said Majesty her Heirs and Successors a Duty of Excise on Strong Liquors retailled in this Colony, from the first Day of November one Thousand Seven Hundred & Fourteen, To the first Day of November one Thousand Seven Hundred & Forty four, for the use and purpose in the Said act particularly Mentioned, which Said Duty of Excise has by Several subsequent acts been further continued from the Said first Day of November one Thousand Seven Hundred & Thirty four, to the first Day of November which will be in the year of our Lord one Thousand Seven Hundred & Fifty Seven.

AND WHEREAS Several Persons have by Themselves or by Some of the Members in their behalf, offered & Engaged



Pay for the Said Duty of Excise in the Cities and Counties of this Colony, from the first day of this Instant November, to the first Day of November which will be in the year one Thousand Seven Hundered and Forty Such Rates as are conceived more Beneficial, at this time, Than to Let the Same to Farm in any other Manner.

AND a contract being accordingly concluded for that Purpose. Be it Declared & Enacted by the Lieutenant Governour, the Council & the General Assembly, and it is hereby Enacted by the authority of the Same, that the Persons hereinafter named, shall be the Farmers of the Said Duty of Excise from the Said first Day of this Instant November, To the first Day of November one Thousand Seven Hundred and Forty, in the respective Cities & Counties of this Colony, and to have & receive the Benefit thereof, at the Rates and for the Several Sums of money following that is to Say.

Mr. Thomas Bahene and Mr. Edward Mann for the City & County of New York, For the Sum of Five Hundered and Seventy Pounds.

Mr. Thomas Williams & Mr. Jacob Ten Eyck for the City & County of Albany for the sum of One Hundered and Forty Pounds.

Mr. Johannes Remsen for Kings County for the Sum of Thirty Pounds.

Mr. Peter Smith Junior for Queens County for the Sum of one Hundered Pounds.

Mr. Henry Smith Junior for Suffolk County for the Sum of Sixty nine Pounds.

Mr. James Woods, Mr. Sylvanus Palmer, Mr. Phillip Pell, and Mr. Jonathan Lawrence for Westchester County for the Sum of Forty nine Pounds.

Mr. Henry Livingston for Dutches County for the Sum of Fourteen Pounds.

Mr. Isaac Haasbrouk & Mr. Abraham Hardenburgh for Ulster County for the Sum of Thirty Pounds Ten Shillings.

Mr. Paul Michoux for Richmond County for the Sum of Sixteen Pounds.

Mr. Cornelius Haring for that Part of Orange County to the Southward of the Mountains for the Sum of Six pounds.

AND Mr. Samuel Gale for that part of the Said County to the the Northward of the Mountains for the sum of Five Pounds.

'AND for the Effectual Securing the Several Payments before Mentioned, BE it Enacted by the Authority aforesaid, That the Several Farmers before named Shall be and hereby are required and obliged Immediately after the Publication of this Act, Severally to Enter into the following Recognizances before a Judge of the Supream Court, or of the Inferious Courts, to His Majesty his Heirs & Successors, with Sufficient Surety's, This is to Say.

Mr. Thomas Bahene & Mr. Edward Mann, in the Penal Sum of Eleven Hundered & Forty Pounds Currant Money of the Colony. Mr. Thomas Williams & Mr. Jacob Ten Eyck in the penal Sum of Two Hundered & Eighty Pounds. Mr. Johann Remsen in the Penal Sum of Sixty Pounds. Mr. Peter Smith Junior in the Penal Sum of Two Hundered Pounds. Mr. Henry Smith Junior in the Penal Sum of one Hundred & Thirty Eight Pounds, Mr. James Woods, Mr. Sylvanus Palmer, Mr. Philip Pell, and Mr. Jonathan Lawrence in the Penal Sum of Nine Eight Pounds. Mr. Henry Livingston in the Penal Sum of Twenty Eight Pounds. Mr. Isaac Haasbrouk & Mr. Abraham Hardenbergh in the Penal Sum of Sixty one Pounds. Mr. Peter Michoux in the Penal sum of Thirty Two Pounds, Mr. Cornell Haring in the Penal sum of Twelve Pounds, and Mr. Samuel Gale in the Penal sum of Ten Pounds, Conditioned that each of the Said Farmers, Shall well and Truly pay to the Treasurer of this Colony, the respective Sum, They have Severally Farm the Said Duty of Excise at in Two Equal half yearly Payments that is to say, one half thereof on the first Day of May next Ensuing, and the other half thereof, on or before the first Day of November, which will be in the year one Thousand Seven Hundered and Forty, and the Judge or Judges before whom such Recognizance or Recognizances are taken, are hereby required to Transmit the Same with all convenient Expedition to the Said Treasurer, with whom they are to remain until They Shall be Discharged.

AND to the End the Several before named Farmers may have the full Benefit of the Said Duty of Excise from and to the Time before Mentioned, Be it Enacted by the Authority Aforesaid, that they and each of Them, and Each and every of their Executors administrators or Assigns Shall be and hereby be vested with all and Singular the Powers and authorities for Gathering Collecting and recovering the said Duties and t



Penalties and Forfeitures Imposed in the Said Act, in the Respective Places the Said Excise is hereby Farmed to them, which in and by the Same Act are Granted and allowed to Farmers of the Said Excise in as full ample & Effectual a manner, to all Intents Constructions and Purposes whatever, as if the Several Clauses Relating therto in the Act aforesaid, had been at Large Incerted & Enacted in the Body of this Act.

AND be it further Enacted by the authority aforesaid, That all the moneys to be Payd to the Treasurer by the Several before named Farmers Shall be Imployed for and Towards Canceling Bills of Credit, Struck and Issued upon the Said Duty of Excise, at the time and in the manner directed in and by an act, Intituled an act, further to continue the Duty of Excise and the Currancy of the Bills of Credit Emittid thereon, and to Strike Some new Bills for Exchanging Such old ones, as are, or may be unfit to Circulate passed in this present Session, and to and for no other use or purpose whatsoever.

[CHAPTER 685.]

[Chapter 685 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 545. Expired December 1, 1750. Provided for by chapter 887.]

An Act for Reviving an Act Intituled an Act For Regulating Fences for the Several Cities and Counties within this Colony of New York.

[Passed, November 17, 1739.]

WHEREAS an Act of General Assembly of this Colony Intituled an Act For Regulating Fences for the Several Cities & Counties within this Colony of New York passed in the Second year of his present Majesties Reign, is Expired by its own Limitation, and the Same having by Experiance been found to be of great use to the Inhabitants of this Colony.

BE it Enacted by his Honour the Lieutenant Governour The Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, that the above mentioned Act, & every Clause Article & thing therein contained Shall be & hereby is Revived & Enacted to be and remain of Force from the Publication hereof until the first Day of September which will be in the year one Thousand Seven Hundred & Fifty.

## [CHAPTER 686.]

[Chapter 686 of Livingston & Smith and Van Schaack, where this is printed in full. See chapter 575. Amended by chapter 795. Continued by chapter 888.]

'An Act to Continue an Act Intituled  
Act for the better Clearing Regulating  
further Laying out publick High Ways in  
County of Suffolk, with Some Additions to

[Passed, November 17, 1754.]

BE it Enacted by his Honour the Lieutenant Governor and Council and the General Assembly, and it is hereby Enacted that the authority of the Same that one Act of General Assembly Intituled an Act, for the better Clearing Regulating and further Laying out publick High Ways in the County of Suffolk passed in the Sixth year of his present Majesties Reign, being Expired by its own Limitation, Shall be & hereby is continued and every Clause article and thing therein contained, to remain of full Force & virtue, until the first Day of December which will be in the year of our Lord one Thousand seven hundred and Fifty.

AND be it Enacted by the authority aforesaid that the Freeholders and Inhabitants of each respective Town manor or Precinct within the County aforesaid, Shall be & hereby are authorized & Impowered at their annual meetings for Election of Town officers, to choose and Elect at the Same Time so many Persons to be Commissioners to Regulate the High Ways and Roads, and to Lay out Such other Publick Roads as may be necessary within the Said County, as the Majority of the Freeholders and Inhabitants of each Town manor & Precinct within the Said County, Shall Judge necessary for the purpose aforesaid: And the Person or Persons so Chosen & Elected Commissioners shall be and hereby are required to take that Office upon him or them, and be vested with all & Singular the Powers and Authorities, and Intituled to the Same Reward given to Such Officers in the herein before mentioned Act, in whose Room & Stead any other Person shall be choosen & Elected in manner aforesaid: And the Person or Persons so choosen & Elected shall be Subject and Lyable to the Same Penalties and Forfeitures if they neglect or Refuse to discharge their Duty in that behalf required: And anything in this or the before mentioned Act to the contrary notwithstanding.



## [CHAPTER 687.]

[Chapter 687 of Livingston & Smith and Van Schaack, where the act is printed in full.]

**An Act To Enable the Inhabitants of Brookhaven in the County of Suffolk, to Elect two Constables at the Places therein Mentioned.**

[Passed, November 17, 1739.]

WHEREAS the Inhabitants of the Town of Brookhaven in the County of Suffolk having by their Patent the Liberty of choosing but one Constable, and the Said Town being Since considerably, Increased in Number of Inhabitants and Settlements, it is conceived necessary that Their Liberty in this respect Should be Enlarged.

BE it therefore Enacted by his Honour the Lieutenant the Council & the General Assembly, & it is hereby Enacted by the authority of the Same, that from & after the Publication of this Act it Shall & may be Lawfull to & for the Inhabitants of Brookhaven Aforesaid, and they are hereby Impowered, to Elect and choose two Constables more yearly, at the Times already Fixed & Settled for the Election of one Constable, one of which Constables, to be Elected & chosen from & out of Such of the Inhabitants as have Habitations within that part of Brookhaven, commonly called the old mans, & the other from & out of Such of the Inhabitants as have Habitations, within that part of Brookhaven, commonly called the South Side, any useage or Custome to the contrary in any wise notwithstanding.

## [CHAPTER 688.]

[Chapter 688 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 581. Explained by chapter 761. Expired December 1, 1745. Provided for by chapter 805.]

**An Act for the further continuing an Act, Intituled an Act, for the better Clearing Regulating, and further Laying out Publick High Ways, in Kings County, Queens County Richmond County, and Orange County, with some Additions thereto.**

[Passed, November 17, 1739.]

BE it Enacted by his Honour the Lieutenant Governour, the Council and the General Assembly, and it is hereby Enacted by

the authority of the Same, that an Act Intituled an Act, for better clearing, regulating and further Laying out publick High Ways in Kings County, Queens County, Richmond County and Westchester County, passed in the fourth year of his Majesties Reign, having by a Subsequent Act, passed in the Seventh year of his Majesties reign, been continued to the first Day of December in this present year, one thousand Seven Hundred & Thirty nine, Shall be and hereby is further continued, and every Clause, article and thing therein contain'd, to be & remain of Full force & virtue from the Said first Day of December in this present year, one Thousand Seven Hundred & Thirty nine, until the first Day of December which will be in the year of our Lord one Thousand Seven Hundred & Forty Five, except so much thereof relates to the Power of the Commissioners therein appointed, also what Else is alter'd or otherwise provided for by this Act.

AND be it further Enacted by the authority aforesaid that During the continuance of this Act, the Freeholders & Inhabitants OF each respective Town Precinct and Division, within the Several Counties above Mentioned, Shall be and hereby authorized & Impowered at their annual Meeting for Electing Town officers, to choose & Elect at the Same Time, three Freeholders to regulate & Lay out Highways, as also so many Persons to be Surveyours & Overseers of the High Ways, as a Majority of the Freeholders & Inhabitants of each Town Precinct & Division, in any of the Counties aforesaid Shall Judge necessary, for the overseeing mending repairing & keeping in order the Several High Ways in the respective Towns Precincts and Division for which they shall be Elected & choosen in manner aforesaid, and the Person & Persons so chosen & Elected as well as those who are to Regulate & Lay out High ways, as those who are to be overseers and Surveyours thereof, are hereby required to take the Several offices upon them, and Shall be & hereby vested with all & Singular the Powers & Authorities given to Such officers by the herein first Mentioned Act, be Intituled to the Same Wages, and be Subject & Liable to the Same Penalties and Forfeitures if they neglect or Refuse to discharge the Several Duties in those Stations as in Such Cases are Imposed by the Said first Mentioned Act.

AND whereas by the Act first above mentioned, in case of the neglect or refusal of any Person or Persons duly warn'd to attend and assist in the mending & Repairing of the High Ways



the Warrant of Distress to Levy the Penalty by the Said Act Imposed on every Such Defaulter or Defaulters, cannot be Issued, but by the Majority of the Overseers or the Surveyours of the Said High Ways, by which means the good Ends & Purposes by the Said Act Intended, have in a great measure been Defeated.

BE it therefore Enacted by the Authority aforesaid, that each and every of the overseers & Surveyours to be Elected by virtue of this Act, Shall be & hereby are Authorized & Impowered to Issue the Said Warrant of Distress against all & every Such Defaulter or Defaulters which Said Warrant so Issued by any one of the overseers or Surveyours, Shall be as Effectual to all Intents, constructions & Purposes, as if Issued by the Major part of them, any thing in this or in the Said first Mentioned Act to the Contrary notwithstanding.

#### [CHAPTER 689]

[Chapter 689 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 579. Continued by chapter 898.]

An Act for further continuing an Act, Intituled an Act to prevent the Setting on Fire or Burning the old Grass on Hamstead Plains with an addition thereto.

[Passed, November 17, 1739.]

BE it Enacted by his Honour the Lieutenant Governour the Council, and the General Assembly, and it is hereby Enacted by the authority of the Same, That an Act, Intituled an Act to prevent the Setting on Fire or Burning the old Grass on Hamstead Plains, passed in the Twelfth year of his late Majesties Reign, having by a Subsequent Act been Continued to the first Day of December in this present year one thousand Seven Hundred & Thirty nine, Shall be & hereby is Enacted to continue of Force, from the Said first Day of December in this present year, one Thousand Seven Hundred & Thirty nine, To the first Day of December which will be in the year of our Lord, One Thousand Seven Hundred & Fifty.

AND WHEREAS Several of the Persons appointed in the Said first Mentioned Act, to put the Same in Execution with respect to the Extinguishing of Fires are Dead, by which means the good Ends and purposes thereby intended, have of late

been in a great Measure Frustrated. BE it therefore Enacted by the authority aforesaid, That the Persons hereafter named viz't Jonathan Rowland, John Willis, Richard Williams, James Seaman of Jerico, John Robins, John Haviland Junior, Richard Powel, James Seaman, John Jackson Junior, Silus Carn Joseph Hall Junior and John Doreland shall be and hereby appointed, To put in Execution the Several Powers & authorities given by the Said first Mentioned Act, to the Persons there appointed for that Purpose, and the Said Persons above named are hereby vested with as full Power & authority in that respect as if they had been appointed by the Said first mentioned Act

## [CHAPTER 690]

[Chapter 690 of Livingston & Smith and Van Schaack, where the only is printed. Expired December 1, 1741. The matter is provided by general act, chapter 892.]

An Act to Encourage the Destroying  
Wild Cats and for the Preservation of Deer  
the County of Suffolk.

[Passed, November 17, 1734]

BE it Enacted by his Honour the Lieutenant Governour Council & the General Assembly and it is hereby Enacted the authority of the Same, that from and after the first day December next whatsoever Person or Persons Free Man or Slave, Shall take kill & Destroy any Wild Cat or Wild Cat their Catling or Catlings in the County of Suffolk, Shall be & receive as a Reward for each wild Cat so taken killed & destroyed the Sum of Six Shillings, and for every Such Catling under a year old so taken killed and Destroyed the Sum three Shillings

AND to the End the Reward above mentioned may be truly Paid and Discharged. BE it Enacted by the authority aforesaid, that the Person or Persons taking Killing & destroying any wild Cat or wild Cats their Catling or Catlings in the County aforesaid and carrying the Head or Heads thereof with the Intire Skin thereon to any one Justice of the Peace of the Said County who (upon view thereof and examination of the party & circumstances finding the Same to have been taken, killed & Destroyed



troyed in the County aforesaid) is hereby obliged thereupon to give a Certificate thereof Gratis and to mention therein the name or names of the Person or Persons that had so taken killed & destroyed such wild Cat or wild Cats Catling or Catlings, the time when, and to Distinguish which are full grown and which are under the age of one year, after which the Ears of Such Wild Cat or Wild Cats Catling or Catlings so Certified are to be cut off in the presence of the Said Justice, and Such certificate being Produced to the Supervizors of the Said County, the Said Supervizors Shall and hereby are Obligated at their annual meetings to order the Treasurer of the Said County to Pay unto the Party or Party's So producing such Certificate or to his or their Assigns the Reward allowed & Established by this Act, & the Said Reward Shall be Deemed a County Charge & raised Levied & assessed together with the other necessary & contingent Charge of the County aforesaid

AND for the Preservation of Deer in the County aforesaid, be it Enacted by the authority aforesaid. That whosoever within the county aforesaid, Free man or Slave, after the first Day of January next, shall kill or destroy any Buck Doe or Fawn or any sort of Deer whatsoever in the County aforesaid, at any time of the year between the first Day of January and the first day of August, Shall Forfeit & Pay the Sum of Thirty Shillings Lawfull money of New York, or in Default thereof Suffer Imprisonment for the Space of Thirty Days without Bail or Main Prize, unless he or They within that time pay the Forfeiture aforesaid, the one half whereof Shall be to him who Shall prosecute & sue for the Same before any one Justice of the Peace of the County aforesaid, who is hereby authorized Impowered and required to hear and Determine the same at his Discretion, and the other half to the Poor of the Respective Town mannon or Precinct where any Person or Persons Shall be of such offence convicted.

AND for the better convicting of the offenders in such Cases Be it Enacted by the Authority aforesaid, that whatsoever Person or Persons with whom Shall be found or Shall expose to Sale any green Deer Skins Fresh Venison, or Deers Flesh within the County aforesaid, at any time of the year between the first Day of January & the first Day of August Shall be held Deemed & Judged guilty of the Said offence and be thereof convict, unless



Shall Pay unto the Said Treasurer for the time being the full Sum or Sums above mentioned, and upon Payment thereof to the Said Treasurer, He is to give a Licence under his hand & Seal to the Person or Persons making Such Payment to Travel with his or Her wares for Sale for the Term of one year, Either Single or with one or more Horses according to the Sum of money Paid by Such Person or Persons, for which Licence there Shall be Paid by the Person to whom the Same Shall be granted, the Sum of Three Shillings & no more, over and above the Duties aforesaid and which Licence and method of obtaining & granting thereof Shall be good & Effectual & that the Treasurer for the time being, Shall keep a Distinct account of the Duties to be received by Virtue of this Act.

AND be it Enacted by the authority aforesaid that if any Such Hawker, Pedler or Petty Chapman from and after the Said Twenty Fifth Day of March and During the continuance of this act, be found Trading as aforesaid without or contrary to Such Licence Such Person Shall for each & every Such offence Forfeit & Pay the Sum of Thirty Pounds currant money of this Colony, the one Moiety thereof to the Informer & the other Moiety to the poor of the Town or Place wherein Such offender Shall be Discovered, and that every Person so Trading who upon demand made by any Justice of the Peace, Sheriff, constable or any other Person within this Colony, where He or She shall so Trade, Shall refuse to produce or Shew his her or their Licence for so Trading to be granted as aforesaid that then the Person so Refusing Shall Forfeit Five Pounds to be Paid to the Overseers of the Poor where Such demand shall be made, to the use of the Poor of the Place and for non payment thereof Shall Suffer one months Imprisonment

AND be it further Enacted by the authority aforesaid that if any Person or Persons shall Forge or counterfeit any Licence or Licenses to Travel with Such Forged or counterfeited Licence for the Purposes aforesaid Such Person Shall forfeit the Sum of Fifty Pounds one moiety thereof to his Majesty his Heirs & Successors to be applyed as the Governour or Commander in chief for the time being Council & General Assembly of this Colony Shall hereafter think fit, and the other half to him or them that shall Prosecute or sue for the Same, to be recovered, by action of Debt Bill plaint or Information in the

BE it Enacted by the authority aforesaid, that upon Refusal of producing Such Licence to any Person or Persons demanding the Same, and it be afterwards produced to the Justice or Justices, Such offenders for Such Refusal Shall Forfeit & pay to the Person or Persons demanding the Same the Sum of Thirty Shillings currant money aforesaid

AND be it further Enacted by the Authority aforesaid, That the Monies to arise by virtue of this Act, shall be applied as the Governour or Commander in Chief for the time being the Council & General Assembly of this Colony Shall hereafter think fit & not otherwise

PROVIDED always & be it Enacted by the authority aforesaid, that neither this Act nor any thing therein contained Shall extend to prohibit any Person from Selling any Fish fruit or victuals or to hinder any Person or Persons who are the real workers or makers of any goods or wares of his, her or their own manufacturing, in any Publick Market, Fair or elsewhere, nor any Tinker, Glasier, Cooper, Plummer, Taylor or other Person usually Trading in mending & making of Cloaths Kettles, Tubs, or Household Goods whatsoever, from going about & carrying with him or them proper materials for making and mending the Same.

PROVIDED also and be it Enacted by the Authority aforesaid that neither this act nor anything therein contained Shall extend or be construed to give any Power for the Licencing any Hawker, Pedlar or petty Chapman to Sell or expose to Sale any wares or Merchandizes in the cities of New York and Albany, anything herein contained to the contrary notwithstanding. PROVIDED Likewise that any Person or Persons coming to any Town or Towns with a Cargo of goods & Merchandizes & bring the Same into a House in Such Town where they are to Lodge or Reside, at least the Space of Thirty Days, and disposing of their goods or merchandizes in Such House, only Such Person or Persons Shall not be deemed a Hawker Pedlar or petty chapman, within the meaning of this Act, any thing therein to the contrary notwithstanding.

This Act to continue in Force from the Twenty Fifth Day of March next to the Twenty Fifth of March which will be in the year of our Lord one thousand Seven Hundred & Forty Five.

## [CHAPTER 692.]

[Chapter 692 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 599. Revived by chapter 737.]

An Act to Revive an Act Intituled an Act, to prevent the Penning & folding of Sheep & neat Cattle Feeding on Hamstead Plains.

[Passed, November 17, 1739.]

BE it Enacted by his Honour the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, that an Act Intituled an Act, to prevent the Penning & folding of Sheep and neat Cattle on Hamstead Plains, passed in the Seventh Year of his Majesties Reign, expired by its own Limitation, Shall be and hereby is revived, and every Clause, Article, and thing therein contain'd Enacted to be of Force from the Publication hereof, until the first Day of December which will be in the Year of our Lord one Thousand Seven Hundred and Forty.

## THE TWENTY-SECOND ASSEMBLY.

*Fourth Session.*

(Begun June 30, 1740, 14 George II, George Clarke, Lieut. Governor.)

## [CHAPTER 693.]

[Chapter 693 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for Transporting & Victualing of Volunteers Inlisted in this Colony, to Serve in the Expedition therein mentioned.

[Passed, July 12, 1740.]

WHEREAS it hath been Signified by his Majesties Principle Secretary of State to the Lieutenant Governour of this Colony, That his Said Majesty, was determined in the Prosecution of the Just and necessary, Warr which he has declared against the King of Spain by all Possible means to Distress and annoy the Spanyards in the most Effectual manner, and making an Attempt upon Some of their most considerable Settlements in the West Indies, and for that Purpose has



ordered a Large Body of Troops with a Sufficient Convoy of Ships of Warr to a proper Place to be appointed for that Purpose in the Said West Indies, to be joined by the Squadron already there under the command of Vice Admiral Vernon, and by Such a Number of Troops as might be raised in his Majesties Colonies and Islands in America.

AND whereas the ample Encouragements his Majesty Graciously Intends to Such Levys as Shall Voluntarily Inlist Themselves in America, for the Service above mentioned, are Particularly Set forth in two Proclamations Issued by the Said Lieutenant Governour in Council Dated the Fifteenth day of April and the Twenty fourth Day of June last, as likewise the names of the officers under whose command the Said Intended Expedition is to be conducted, has already Induced a considerable Number of Voluteers to Inlist Themselves in this Colony, so in all probability a great many more will do, to Serve in an Enterprize that appears to be so well Concerted, and affords so fair a Prospect of Success.

AND for as much as only part of the Said Squadron of Ships of Warr, under the command of the Said Vice Admiral have already taken and Subdued Portabello & Chagra, blown up and Demolished all their Strong Forts & other Fortifications, and carry'd away, or made unserviceable the Cannon thereof, so it may Reasonably be Expected that when the above mentioned Convoy and Forces, Together with the American Troops are joined thereto, They will by Gods Blessing on his Majesties arms, have the like good Success against Such other considerable Spanish Settlements in the Said West Indies as they may attempt, and its Evident that Such Success would Redound to the Glory of his Majesty, and the Honour of great Britain, be a real Security to her Navigation in the American Seas, an additional Strength to her Southern Colonies, and a Bennefit to Her Northern ones on this Continent.

AND the General Assembly being desirous to Demonstrate the Zeal of his Majesties Loyall Subjects in this Colony for Promoting an undertaking by which all the good Ends aforesaid, are like to be attained. BE it therefore Enacted by the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the authority of the Same, That there Shall be, and hereby is given & granted unto his Majesty

& Successors, out of the Fonds, and to and for the

Several Uses & Purposes herein after Mentioned, and to & for no other use or purpose whatever, the Sum of Two Thousand and Five Hundred Pounds in Bills of Credit made Currant in this Colony.

BE it Enacted by the Authority aforesaid, that the above mentioned Sum, or Such part of it as may be Requisite, Shall be Employed by the Commissioners herein after named, To & for Transporting to the Place that Shall be appointed for the General Randevous of all the Said Forces in the West Indies, Such Levys as already have Inlisted, or Still Shall Voluntarily Inlist Themselves in this Colony, to Serve in the Said Expedition; and for Hirling of Vessels, or agreeing with the owners or Masters thereof on the Cheapest and best Terms they can for the Carrying of the Said Volunteers, from this City Thither, and for Procuring and putting on board of Such Vessels, Such Provisions as may be requisite to victual the Said Levys in their Passage to the Randevous aforesaid, and for defraying the necessary contingencies that may attend such Transportation & Victualing.

AND for the Effectual accomplishment hereof, BE it Enacted by the authority aforesaid, that Colonel Joseph Robinson and Mr. Stephen Bayard Shall be and hereby are appointed Commissioners and fully Impowered authorized and required, by & with the advice of the Lieutenant Governour, or commander in chief for the time being, the Honourable Colonel Gooch, and the Honourable Colonel Blakny, or the major part of them, who Shall then be in the City of New York, To Imploy the mony hereinafter Directed to be Pay'd unto them, or Such part & parts thereof, as they Shall from time to time Receive, to and for Transporting & Victualing the Levys of this Colony to the Place and in the manner herein before Mentioned

AND to Enable the Said Commissioners Effectually to perform the Services aforesaid. BE it Enacted by the Same authority that when the Volunteers of this Colony are ready & Directed to Embark for the General Randevous before Mentioned, the Treasurer Shall & hereby is required to Pay unto the above named Commissioners in Two or more Payments, the first mentioned sum of two Thousand Five Hundred Pounds, in Bills of Credit made Current in this Colony, and for the Sum and Sums, They so receive, They Shall give Proper Receipts to the Said Treasurer, which shall be unto him Sufficient Vouchers



& A Discharge for so much, as Shall therein be mentioned to have been Received, Provided they do not in the whole exceed the Said Sum of Two Thousand Five Hundred Pounds

BE it Enacted by the authority aforesaid, that before the mony before mentioned, or any part thereof, Shall be Pay'd to the Said Commissioners, They shall Severally, and each of them enter into Recognizance before any of the Justices of the Supream Court, or before the mayor of the City of New York, unto his Majesty his Heirs & Successors in the Sum of Twelve Hundred & Fifty pounds, with two Sufficient Surities, each in half that Sum, conditioned that the money which he Shall receive by virtue of this Act, Shall be well & Duely apply'd and Employ'd according to the True Intent and Directions of the Same Act, which two Recognizances are with all convenient Speed, be delivered or conveyed by the Person or Persons before whom they shall be taken, to the Treasurer, in order to be Lodged in the Treasury of this Colony.

BE it Enacted by the Same Authority, that out of Such part of the mony before mentioned, as Shall actually be Employ'd and apply'd by the above named Commissioners according to the Intent and Directions of this Act, They Shall be allowed after the Rate of Five per Cent, which it Shall be Lawfull for Them, to retain for their own use, as a Reward for their care and Trouble therein, and of the mony so to be Employed by them, They are to Keep an Exact Book and to Render true and Distinct Accounts upon oath, to the Lieutenant Governour or Commander in chief for the time being The Council, or the General Assembly, when by them or any of them thereunto Required

AND that the Payments before mentioned may Effectually BE made. BE it Enacted by the Authority Aforesaid, That the Said Treasurer Shall borrow, and he is hereby fully Impowered Authorized & Required to borrow the afore mentioned Sum of Two Thousand Five Hundred Pounds, out of uncanceled Bills of Credit now in the Treasury, arisen by virtue of an Act, Intituled an act, for Laying an Excise on all Strong Liquors Retailled in this Colony, passed in the Twelfth year of her late Majesty Queen Ann, or by virtue of an Act Intituled an Act, To Lay a Duty of Tonnage on the Vessels and for the time therein mentioned, Passed in the Eighth year of his present Majesties reign, or by virtue of both of the Said acts, anything



therein, or in either of them to the Contrary hereof notwithstanding.

BE it Enacted by the Authority Aforesaid, that if the before named Commissioners, Should through Inadvertency or by any other means whatever, Presume to Lay out or Expend for the Services aforesaid, any more than what is granted for that purpose by this Act, it Shall be at their own Hazard and on their own account, For as in Deference to his Majesties Recommendation this Colony (notwithstanding its present Difficult circumstances) has made so Large a Grant for a Service they did not expect would be required of them, So they Shall in no wise look upon themselves to be Liable to or for any manner of Exceedings (if any Should happen) however the same might be occasioned.

BE it further Enacted by the Same Authority, that if by any manner of means whatever, the Said Expedition, Should not go Forward, or be countermanded, before any part of the mony hereby Directed to be pay'd to the Said Commissioners be received by Them, then and in Such Case the Intire Sum Shall remain in the Treasury, for the uses it Originally Stood Appropriated to. But if the Same, or part of it Should then be Pay'd to the Said Commissioners, all Such part thereof, as Should at that time not be Actually apply'd & Employ'd by them for the Services aforesaid, Shall Immediately be returned by them into the Treasury for the Uses it originally Stood appropriated to, and if any provisions or other things bought for the Services aforesaid, Should not be wanted, or more then may be wanted for the Intended TRANSPORTATION, the Same are to be Sold to the best advantage by the Said Commissioners, and the Produce thereof pay'd by them to the Said Treasurer.

AND for preserving the good Reputation of our Paper Currency. BE it Enacted by the Authority aforesaid, that when it Shall be exactly known how much there Shall be Borrowed out of the Fonds & for the Services herein Mentioned, the General Assembly, will provide ways and means, to make good, what Shall appear to have been so Borrowed, provided the same doth not exceed the before mentioned Sum of Two Thousand & Five Hundred Pounds, To the End it may be Replaced to the Fonds it was Borrowed from, for the use the Same Stands appropriated to.

## THE TWENTY-SECOND ASSEMBLY.

*Fifth Session.*

(Begun Sept. 9, 1740, 14 George II, George Clarke, Lieut. Governor.)

## [CHAPTER 694.]

[Chapter 694 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 674. Continued by chapter 716.]

An Act to Continue an Act, Intituled an Act, to Regulate the Militia of this Colony, with an Addition thereto.

[Passed, November 3, 1740.]

WHEREAS an Act of the General Assembly of this Colony Passed in the Thirteenth year of his present Majesties reign, Intituled an Act, to Regulate the Militia of this Colony, will expire by its own Limitation the first day of December in this present year one Thousand Seven Hundred & Forty. BE it therefore Enacted by the Lieutenant Governour, the Council & the General Assembly & it is hereby Enacted by the Authority of the Same, that the above mentioned Act & every Clause Article & thing there in contained, Shall be & hereby is continued until the first day of December, which will be in the year one Thousand Seven Hundred & Forty one.

AND be it further Enacted by the Authority aforesaid, That during the continuance of the Said act not only in cases of allarm, but likewise in all Such other Sudden Emergencies as may require any part of the Militia to come into Arms, the Captain or Captains of the Company or companies where Such Emergencies may happen, Shall & hereby is & are fully Impowered to call his or their Companies Immediately into arms & not only to march them to the Place or Places where their Service is most Required but Likewise to Employ them in keeping of a Military Watch; & in the mean while to give the Speediest Intelligence thereof, to his or their Collonel or Lieutenant Collonel, or to the Captain General or Commander in chief for the time being, and upon receiving Directions from their Said Superiour officers, They are either to continue their Said company under Arms or in keeping the Said watch, or to Discharge the Same as the Said Superiour officer or officers Shall



order & direct, whether the company is then Discharged or not, anything in the above mentioned Act to the contrary hereof notwithstanding.

[CHAPTER 695.]

[Chapter 695 of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 1, 1741.]

An Act for Letting to Farm the Excise on Strong Liquors Retailled in this Colony from the first of November next, to the first day of November in the year one Thousand Seven Hundred & Forty one.

[Passed, November 3, 1740.]

WHEREAS by an Act of the General Assembly Intituled an Act for Laying an Excise on all Strong Liquors Retailled in this Colony Passed in the Twelfth year of the Reign of her Late Majesty QUEEN ANNE, there was given and granted to her Said Majesty her Heirs & Successors a Duty of Excise on all Strong Liquors Retailled in this Colony, from the first day of November one Thousand Seven Hundred and Fourteen, To the first day of November one Thousand Seven Hundred and Thirty Four for the use and Purposes in the Said Act particularly mentioned, which Said Duty of Excise, hath by Several subsequent Acts been further continued from the Said first Day of November one Thousand Seven Hundred & Thirty Four, to the first day of November, which will be in the year of our Lord one Thousand Seven Hundred & Fifty Seven.

AND whereas Several Persons have by Themselves or by Some of the Members in their behalf, offered and Engaged to Pay for the Said Duty of Excise in the Cittys and Countys of this Colony, from the first day of November next, To the first day of November, which will be in the year of our Lord one Thousand Seven Hundered and Forty one Such Rates as are conceived more beneficial, Than to Let the Same to Farm in any other manner, and a Contract being accordingly concluded for that Purpose.

BE it declared and Enacted by the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the authority of the Same, That the persons hereinafter named, Shall be the Farmers of the Said Duty of Excise, from the first Day of November next Ensuing, To the first Day of November,



which will be in the year of our Lord one Thousand Seven Hundred & Forty one in the respective Cittys and Counties of this Colony, and to have and receive the Benefit thereof at the Rates and for the Several Sums of money following, That is to Say.

Mr. Edward Man for the Citty and County of New York, for the Sum of Five Hundred and Forty Pounds.

Mr. John Waters and Mr. Abraham Dow for the Citty and County of Albany, for the Sum of one Hundred and Forty Pounds.

Ryck Suydam Esq'r and Mr. Peter Lefferts for Kings County for the Sum of Thirty Pounds.

Mr. Peter Smith Jun'r for Queens County for the Sum of Ninety Five Pounds.

David Corey Esq'r and Mr. Henry Smith Jun'r for Suffolk County for the Sum of Sixty Five Pounds.

Collonel Barent Van Cleek and Lawrence Van Cleek Esq'r for Dutchess County, for the Sum of Fifteen Pounds.

Mr. Gerhargus Hardenbergh and Mr. Jonathan Hasbrook for Ulster County, for the Sum of Thirty Pounds Ten Shillings.

Mr. Paul Michoux for Richmond County, for the Sum of Sixteen Pounds.

Mr. John Verdon for that part of Orange County to the Southward of the Mountains for the Sum of Six Pounds.

Mr. Thomas Blane for that part of the Said County to the Northward of the Mountains for the Sum of Five Pounds.

Mr. James Wood, Mr. Sylvanus Palmer, Mr. Phillip Pell, and Mr. Jonathan Lawrence for West Chester County, For the Sum of Forty nine Pounds.

AND for the Effectual Securing the Several Payments before Mentioned Be it Enacted by the authority aforesaid, That the Several Farmers before named, Shall be and hereby are Required and obliged on or before the first Day of November next Severally to Enter into the following Recognizances before any Judge of the Supream Court or of the Inferiour Courts to his Majesty, his Heirs and Successors with Sufficient Sureties (that is to Say)

Mr. Edward Man in the Penal Sum of one Thousand & Eighty Pounds currant money of this Colony.

Mr. John Walters and Mr. Abraham Dow in the Penal Sum of two Hundred & Eighty Pounds.

Ryck Suydam Esq'r and Mr. Peter Lefforts in the Penal Sum of Sixty Pounds. Mr. Peter Smith Jun'r. in the Penal Sum of one Hundred & Ninety Pounds, David Corey Esq'r. and Mr. Henry Smith Jun'r in the Penal Sum of one Hundred & Thirty Pounds. Collonel Barent Van Cleek, and Lawrence Van Cleek Esq'r in the Penal Sum of Thirty Pounds, Mr. Gerhargus Hardenberg & Mr. Jonathan Hasbrook In the penal Sum of Sixty one Pounds, Mr. Paul Michoux in the Penal Sum of Thirty two Pounds. Mr. John Verdon in the Penal Sum of Twelve pounds, Mr. Thomas Blane in the Penal Sum of Ten pounds, Mr. James Woods, Mr. Silvanus Palmer, Mr. Phillip Pell, and Mr. Jonathan Lawrance in the Penal Sum of ninety Eight Pounds.

Conditioned, that each of the Said Farmers Shall well & Truly Pay to the Treasurer of this Colony, the respective Sums they have Severally Farmed the Said Duty of Excise at, in two Equal half yearly Payments, that is to Say, one half thereof on the first Day of May next Ensuing, and the other half thereof on or before the first Day of November, which will be in the Year of our Lord one Thousand Seven Hundered & Forty one, and the Judge or Judges before whom Such Recognizance or Recognizances are taken, are hereby required to Transmit the Same with all convenient Expedition, to the Said Treasurer, with whom They are to remain until They Shall be Discharged.

AND to the End the Several before named Farmers may have the full Benefit of the Said Duty of Excise from & to the time before Mentioned Be it Enacted by the authority aforesaid, That they and each of Them and each and every of their Executors Administrators or Assigns Shall be and hereby are Vested with all & Singular the Powers & Authoritys for Gathering Collecting and Recovering the Said Duties and the Penalties and Forfeitures Imposed in the Said Act in the respective Places the Said Excise is hereby Farmed to them, which in and by the Same Act are granted and allowed to Farmers of the Said Excise, in as full ample & Effectual a manner to all Intents Constructions and Purposes whatever as if the Several Clauses Relating thereto in the Act aforesaid had been at Large Inserted and Enacted in the Body of this act.

AND be it further Enacted by the Authority aforesaid That all the moneys to be paid to the Treasurer by the Several before named Farmers, Shall be Employed for and towards cancelling Bills of Credit Struck and Issued upon the Said Duty of Excise



at the time and in the manner directed in and by an act, Intituled an Act further to continue the Duty of Excise and the Currency of the Bills of Credit Emittid thereon, and to Strike Some New bills for Exchanging Such old ones as are or may be unfit to circulate passed in the Thirteenth year of his present Majesties Reign, and to and for no other use or Purpose whatsoever.

## [CHAPTER 696]

[Chapter 696 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act to Enable the Justices of the Peace Living in that Part of orange County lying to the northward of the mountains, for raising a Sum not Exceeding one Hundred Pounds for Finishing & Compleating the Court House and Goal in Goshen.

[Passed, November 3, 1740.]

WHEREAS the Justices of the Peace in the north Part of Orange County, or the greater number of them, have by virtue of an act of General Assembly, Passed in the Tenth Year of his Majesties reign, Intituled an Act, to Enable the Justices of the Peace, in that part of Orange County, Lying to the northward of the High Lands to Build a Court House and Goal, for the Said County at Goshen and whereas the Justices aforesaid, or the Greater number of Them have out of the money so Raised Levyed & Collected by virtue of the Said Act, already Built, and Erected the Court House & Goal in the Precinct of Goshen, But for as much as the money so raised Levyed and collected as aforesaid is not Sufficient for Finishing so Publick & necessary a Building, and that the same may be Finished & Compleated, as well for the conveniency of Courts of Justice as for the Security of Prisoners.

BE it therefore Enacted by the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the authority of the Same, That to & for the Purposes hereinafter mentioned, the Justices of the Peace living on the North side of the high Lands in the Said County, or the major part of them, Shall be and hereby are Authorized & Required, after the Publication of this Act, To raise Levy and Collect of From & upon all & every of the Freeholders Inhabitants & So-



journers within that part of orange County, which Lyeth to the Northward of the aforesaid High Lands, at Such time & times as to them, or the greater number of them, Shall Seem convenient, a Sum not Exceeding the Sum of one Hundred Pounds by the same Rules & Methods and under the Same Regulations & Restrictions, as is Enacted ordered and Directed, in and by the aforesaid act, of the General Assembly, in as full and ample manner, to all Intents Constructions and Purposes whatsoever, as if those Clauses had been Incerted in the Body of this Act.

BE it further Enacted by the authority aforesaid, that the moneys to be raised by virtue of this Act, Shall from time to time be paid by the Several and respective Collectors unto the managers to be appointed, by the aforesaid Justices and the moneys arising by Virtue of this Act, Shall be Employed for materials & workmanship to and for the Uses and Purposes Aforesaid, & to no other use whatsoever According to Such orders and Directions as they Shall from time to time receive for that purpose, from the Said Justices or the greater part of them, They the Said managers Rendering an Account upon oath of the moneys received by them, when therunto Required by the aforesaid Justices or the greater Number of them.

[CHAPTER 697.]

[Chapter 697 of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 3, 1742. Provided for by chapter 736.]

An Act to Encourage the Destroying of  
Wolves & Panthers in Dutchess County, and  
of Wolves in Ulster and Orange Counties.

[Passed, November 3, 1740.]

WHEREAS the giving of an Encouragement for the destroy-  
ing of Wolves within the County of Ulster Orange County and  
Dutchess County has by Experience been found beneficial to  
the Freeholders & Inhabitants of the Said County.

BE it therefore Enacted by his Honour the Lieutenant Gover-  
nour the Council & the General Assembly, and it is hereby  
Enacted by the authority of the Same, that from and after the  
Publication of this act, and During the continuance thereof,  
Every Person being an Inhabitant of each of the aforesaid coun-

ties, who shall actually, take, Kill or Destroy any Wolfe or Wolves, Whelp or Whelps within the counties aforesaid, Shall be Intituled to and receive the reward in the manner following, That is to Say, for the Counties Ulster and Orange, For every grown Woolf the Sum of Twelve Shillings, and for every Whelp the Sum of Six Shillings, and for the County of Dutchess for every grown Woolf or Panthers the Sum of Fifteen Shillings & for every Whelp the Sum of Eight Shillings, to be paid by the County Treasurers respectively, as Shall be directed by this Act, and that Frauds may not be Committed and the Freeholders & Inhabitants of the aforesaid Counties, may not be Imposed upon by Persons Living out of the Said Counties.

BE it therefore Enacted by the authority aforesaid, that before any Inhabitant of the Said Counties, Shall be Intituled to any of the Rewards allowed by this Act, He shall carry the Head or heads of Such Woolf or Woolves, Whelp or Whelps, with the Intire Skin thereon, to any Justice of the Peace, or any of the Supervizors dwelling in the Said Counties, and the Said Justice or Supervizor of the Respective Counties, Shall be and are hereby Impowered Directed & Required to Administer to every Such Inhabitant, an Oath, & if a Quaker an Affirmation in the words following you A. B. do Swear or affirm that the woolf, the head whereof you now produce, to me, was actually taken & killed within the County of                      And that you are an Inhabitant of the Said County of                      and the Said Justice or Supervizor Shall in administering the Said Oath or affirmation in the blank left, add the name of the County wherein Such Inhabitant is Sworn or affirm'd, after the taking of Such oath or affirmation, the Said Justice or Supervizor, Shall & hereby is Impowered & required to give a Certificate thereof, to Such Person or Persons as have Sworn or Affirm'd as aforesaid, without any Fee or Reward, and the Said Justice or Supervizor, in giving Such Certificate, *Shall therein* Mention the name or names of Such Person or Persons as have so Sworn or affirmed, That they had actually taken & killed Such Woolf or Woolves Whelp or Whelps within the County aforesaid, and to Distinguish whether the Same, were a full grown Woolf or Whelp, and the Ears on the Said woolfs or whelps so Certify'd are to be cut of, In the presence of the Said Justice or Supervizor and Such Certificate, being Produced to the Supervizor of the Said County the Said Supervisor Shall allow to such Person or



Persons as Shall produce Such Certificate as aforesaid, all such Sum or Sums of money as are allowed by this Act, for Destroying of Wollves or their Whelps, and the Said Reward Shall be a County Charge, and Shall be raised assessed and Levied together with the other necessary & contingent charges of the Said County.

BE it Enacted by the authority aforesaid, that the Supervisors of the Said county, Shall and are hereby Impowered, Required & Directed to Order the aforesaid Sum or Sums of money by this Act to become Due, to be paid to the County Treasurer, and the Said County Treasurer Shall Pay the Same, as Shall be ordered & Directed by the Said Supervisors, to such Person or Persons or their assigns, as have so killed or Destroyed Such Woolf or Woolfs Whelp or Whelps

BE it further Enacted by the Authority aforesaid that every Native Free Indian or negro or Other Slave who Shall have actually killed or Distroyed any Woolf or Woolfs, Whelp or Whelps, within any of the Counties aforesaid, and carry the head or heads thereof, with the Intire Skin thereon to any of the Justices or Supervisors of the Said County, wherein Such Woolfs or Whelps are killed or Destroyed, and bring Such Evidence or give Such reasons as to the Sattisfaction of the Said Justice or Supervisors that Such Woolf or Woolfs, Whelp or Whelps, were Killed within the Said County Where Such Justice or Supervisors are appointed or Chosen, in Such Case the Said Justice or Supervisor are hereby Impowered Required & Directed to give a Certificate, to the Master or Mistress of Such Slave or Slaves, or to any Such Native or Free Indian in the Same Form & manner as is directed by this Act, to be given to the Inhabitants of the Said Counties, and Such Master or Mistress or native or Free Indian, Shall be Intituled to and receive the Same Reward as is given by this Act to the Inhabitants of the Said Counties.

BE it further Enacted by the authority aforesaid, That any Person or Persons, who have killed or Destroyed any Woolf or Whelp within the counties of Ulster or Dutchess, after the Expiration of an Act, Intituled an act, to Encourage the Destroying of Woolfs within the County of Albany, Ulster County. Orange County Dutchess County & County of West Chester, which act Expired by its own Limitation on the first Day of December one Thousand Seven Hundred & Thirty nine, & Every Person or Persons having taken killed or Destroyed any



Woolf or Welp, within the Counties of Ulster or Dutchess County Since the Expiration of the Said Act, until the Publication of this act, Shall be Intituled to & receive the Said Reward given by the aforesaid act, as if the Said act had been in full Force unto the Publication of this act, This act to be & continue in Force from the Publication thereof for the full Term of two years & no Longer.

## [CHAPTER 698.]

[Chapter 698 of Livingston & Smith and Van Schaack, where the act is printed in full. See chapter 759.]

An Act to prevent Abuses in the Repacking of Beef and Pork.

[Passed, November 3, 1740.]

WHEREAS frequent Complaints have been made of Abuses committed in the Repacking of Beef & Pork and putting the brand mark of the City of NEW YORK on Barrells containing Beef & Pork, Imported from other Places, perticularly, North Carolina, Virginia, & Mary Land, to the disreputation & under valuing of the Beef & Pork of the Produce of this Colony, Exported from hence, to Prevent which abuses for the Future. Be it Enacted by the Lieutenant Governour the Council & the General Assembly and it is hereby Enacted by the authority of the Same, That all Pork & Beef which Shall be Repacked, in the City of NEW YORK, after the Publication of this Act, The Barrells containing the Same, Shall after Such Repacking, be Branded by the Sworn Packers of the Said City Repacking the Same, with the distinguishing Brand Marks here under Mentioned, and in no other manner whatever, That is to Say.

On all Barrells containing Beef or Pork, which is Bona fide & in Fact Sound, Firm, & Really good & Merchantable, the Said Packers Shall & may put the Brand of New York thus. N. YORK.

AND upon all Barrells containing Beef or Pork that Shall be found otherwise, and on all Barrells containing Beef or Pork, being of the Produce of MaryLand, Virginia, or North Carolina, or which the Said Packers Shall Suspect or Discover to be of the Produce of any of those Places, they Shall not presume to Brand the Same with the Said New York Brand Mark, but only with the Letter M or the Letter, V. or the Letters N. O. as the Case shall happen.

But on Such Barrels in which the Pork or Beef contained therein Shall not be perfectly Sound & Merchantable, the Said Packers Shall not be permitted to put any Brand Mark whatever.

AND every Such Packer or Packers as Shall presume to Brand barrels containing Pork or Beef, in any other manner than according to the Directions of this act, Shall be Subject & Liable to the Fines and Penalties thereby Inflicted on those who shall contravene the Same.

AND for the due observance of the foregoing directions, BE it Enacted by the authority aforesaid, That every one of the present Repackers of meat in the City of New York, shall within Ten Days next after the Publication of this act, and every other Person & Persons hereafter to be appointed Such a Repacker, Shall before he takes upon himself to Exercise that office, take an oath, or (if a Quaker) an Affirmation, before the Mayor, Deputy Mayor, or Recorder, of the Said City for the time being (who are hereby Impowered & Required to administer the Same) in the words following, to wit.

I A. B. do Swear (or affirm) That during the Time I shall be a Packer or Repacker of meat in the City of NEW YORK, I Shall not directly or Indirectly, by my Self or by my consent Privy or procurement Brand or Cause, or Suffer to be Branded any Barrels containing Pork or Beef, which Shall be Repacked by me, or in my Presence, in any other than the following manner, That is to Say.

On Such only as Contain Meat that is Bona Fide & in Fact, Sound, Firm and Really good and Merchantable the Brand of New York thus, N. YORK

On Such as Contain Meat not perfectly of the Goodness above Mentioned, and on all Such as Shall be Imported from Mary Land, Virginia, or North Carolina, or that I shall discover or Suspect to be the Produce of any of those Places, with the Letter, M. or the Letter V. or the Letters N. C. as the case may Require.

And no brand whatever on Barrels which contain Unsound or Unmerchantable Meat

So help me God

BE it Enacted by the Authority aforesaid that when Packers or Repackers, Shall be so qualified, They Shall in their Repacking of Meat, not put any of the before mentioned Brands, on Barrels to be Repacked by Them, that contain less then Thirty



one Gallons, and every Such Barrel, is to be well Hooped with Ten Hoops at least and made fit to hold pickle, and in each Barrel of Pork, they shall not put or Suffer to be put, more than Four half Hogs Heads, and in each Barrel of Beef, any more than two Shins, and each Barrel so Repacked Shall be twice Trodden down at Least, and be Salted with a Sufficient quantity of Salt not Less than a half Bushell.

BE it further Enacted by the authority aforesaid, That for every offence which any of the Said Packers, shall make or commit against the true Intent & meaning of this Act, and be thereof convicted before the Mayor or any one Justice of the Peace for the Said City of New York, by the oath of one or more Credible Witness or Witnesses, He or they so offending & Convicted, shall for every Such offence, Forfeit & Pay the Sum of Five pounds Current money of this Colony, the one half to the Informer, & the other half, for & to the use of the Poor of the City of NEW YORK to be Levied by warrant under the hand & seal of the Said Mayor or Justice on the goods & Chattels of Such offenders, and if Such cant be found, then the Said offender or offenders, Shall be committed to the common Goal of this city, & there be kept & remain, until He shall have so paid the Said Fine, and the Lawfull charges accrued in Levying the Same.

AND be it further Enacted by the authority aforesaid, That if any person or persons, Shall at any time or times hereafter, Intermix or Shift, any Beef or Pork, being Unsound or Unmerchantable or of the Produce of the aforesaid Colonies of North Carolina, Virginia or Mary Land or any or Either of them, with any Beef or Pork, Branded with the New York Brand, as is herein before Directed, all the Beef or Pork so Intermixed, or Shifted Shall be Forfeited, one half to the Informer or person, who shall Seize or Discover the Same, & the Other half to the poor of the City of NEW YORK to be Levied as aforesaid, and the person or persons so Intermixing or Fraudulently Shifting such Beef or Pork, and being thereof convicted before any one Justice of the Peace, shall Forfeit & pay double the Value of the Beef or Pork, so Intermixed or Shifted to the uses aforesaid, and also be committed to the common Goal of the Said City until He shall be thence delivered by due course of Law, and Such person or persons offending in the Premises, are hereby Enacted & Declared to be guilty of a Cheat & Shall be Prosecuted as Such accordingly.



## [CHAPTER 699]

[Chapter 699 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act to Enable the Mayor Recorder & Aldermen of the City of Albany, & Justices of the Peace of the Said City & County, to Build a New Court House & Goal for the Said City & County.

[Passed, November 3, 1740.]

WHEREAS the mayor Recorder & Aldermen of the City of Albany and the Justices of the County, having by their Humble Petition, applyed to the General Assembly, for Liberty to raise one Thousand Pounds for to Build a new Court House & Goal for the Said City & County, the present Goal & Court House being not Sufficient for holding of Courts or Securing of Prisoners, it is therefore become absolutely necessary, That a new Court House & Goal Should be Built more Commodious & secure on the Same Place where the old one Stands, or in any other Place that the Mayor Recorder Aldermen and Justices or the major part of them Shall think Proper.

BE it therefore Enacted by the Lientenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That for & towards Building a new Court House & Goal for the City and County of Albany, and to & for no other use or purpose whatsoever, the Mayor Recorder Aldermen & Justices of the City and County, or the Major part of Them, Shall Issue their Warrants to the Supervizors of the Said City and County, To raise and Levy over & above the Annual County charge yearly the Sum of Three Hundred & Thirty four pounds, for and During the Term of three Years which money Shall be paid by the Several Collectors to the County Treasurer, who is to Pay it to the Managers, that shall be appointed & named in the manner hereafter Directed for Building & Erecting the Court House & Goal whose Receipts Shall be to the Said Treasurer a Sufficient Discharge,

AND be it further Enacted by the authority aforesaid that the Supervizors at their first meeting after the receipt of the Warrant before directed, Shall raise the first Three Hundred & Thirty four pounds, and so Yearly till the whole sum of one Thousand & Two pounds is Raised, which money Shall be Col-

lected & paid unto the County Treasurer at the usual Times of Paying the rest of the County Charges

AND be it further Enacted by the authority aforesaid, that the Mayor Recorder & Aldermen of the City of Albany, & Justices of the Peace for the Said City & County, or the Major part of them, Shall have hereby full Power & authority, at their next General Sessions to be held for the Said City & County, To appoint and name Six or Eight Managers to order oversee Direct and Pay the money for the Building of the Said Court House and Goal, for which money the Said managers, Shall render a Perticular account to the Mayor Recorder & Aldermen of the City of Albany & Justices of the City & County, or the Major part of Them, all which Services the Said managers Shall perform without any Fee or Reward. Provided allways that the Dementions Form and Place of the Said Building Shall be Fixed by the Said Mayor Recorder Aldermen & Justices, or the Major part of them at the Time and before the choice of the Said Managers.

AND be it further Enacted by the authority aforesaid, that if the Said Mayor Recorder Aldermen & Justices or major part of them, Should think propper, to Erect the Said Court House and Goal at Some other Place then where the old one Stands, in that case it Shall and may be Lawfull, for the Said Mayor Recorder Aldermen and Justices, or the Major part of Them, to Sell & dispose of the Said old Court House Goal & Land thereunto belonging.

PROVIDED always & be it further Enacted that in case they do not apply the money arising by Such Sale to purchase another Place to Erect the Said Court House & Goal upon, that then the money Shall be applyed towards the payment of the One Thousand & Two Pounds to be raised upon the Said County, and the Supervizors are hereby Directed not to Raise any more money than what will make up the money the old Court House Goal & Land thereunto belonging is sold for, to the Sum of one Thousand & two pounds, any Law usage or Custome to the contrary notwithstanding.

BE it further Enacted by the Same Authority, that when the old Court House & Goal is pulled Down or Sold, the Mayor Recorder & aldermen of the City of Albany, & Justices of the Said City & County, or the Major part of Them are hereby



Impowered & Directed, to hire Some proper Place to hold their Courts in, until the New Court House Shall be Finished.

AND for as much as the City & County of Albany is a Frontier Place, and in case a War Should break out between his Britannick Majesty and the French King, it may be a great question, whether the Said City & County, will be able to carry on the Building before Mentioned Be it therefore Enacted by the Authority Aforesaid, that if Such a War Should break out before the Raising of the Said money, that in Such Case the Mayor Recorder and Aldermen of the City of Albany & the Justices of the Peace, or the Major part of them, Shall think the People are not able to Raise the Money hereby appointed to be raised, the Mayor Recorder Aldermen & Justices of the Peace aforesaid, Shall and may in Such Case forbear to put this Act in Execution.

Always Provided, and be it further Enacted by the Authority aforesaid, that if any Part of the money Should be raised and the Said Mayor Recorder Aldermen & Justices aforesaid, Should not think Proper, to go on with the Said Building, then the money so raised Shall be applyed towards Defraying the annual County Charges

#### [CHAPTER 700]

[Chapter 700 of Livingston & Smith and Van Schaack, where the title only is printed. Repealed by chapter 861.]

An Act to Cancell the Bills of Credit of this Colony, Emittid in the years One Thousand Seven Hundred & Fifteen, One Thousand Seven Hundred and Twenty, One Thousand Seven Hundred & Twenty Three, and One Thousand Seven Hundred & Twenty Four.

[Passed, November 3, 1740.]

WHEREAS many of the Bills of Credit of this colony Emittid in the Years, One Thousand Seven Hundred & Fifteen, One Thousand Seven Hundred & Twenty, One Thousand Seven Hundred & Twenty Three and One Thousand Seven Hundred & Twenty Four, Remain uncanceled by the neglect absence or Death of many of the Signers, who by the Respective Acts of this Colony were impowered to cancell the Same.



BE it therefore Enacted by the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the authority of the Same, that the Treasurer of this Colony or the Treasurer for the time being, Shall cancell & destroy not only all Such of the Said Bills Emittid in the years aforesaid, as are now Lodged in his hands, or that Shall hereafter come into his hands for that Purpose, But likewise all such as by virtue of Former Acts of Assembly have been Exchanged in Liew of Them, in the Presence of Adolph Phillipse, David Clarkson, John Moore, William Roome, Robert Livingston, Lewis Morris Jun'r & Gabriel Ludlow or the greater number of them, taking an Exact List of the number Value & years of Emission of the Said Bills before they are Cancelled, and being Cancelled & Destroyed, the Said Members Present, at Such Cancelling Shall give a Certificate thereof under their hands to the Treasurer, which Shall be a Sufficient Voucher & discharge to the Said Treasurer, for the number & value of Such Bills so Cancelled and Destroyed.

[CHAPTER 701]

[Chapter 701 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 624. Expired December 1, 1744.]

An Act to Repeal that part of an Act, Intituled an Act to Lay a Duty on the goods & a Tax on the Slaves therein Mentioned, during the time & for the use mentioned in the Same, which Imposes a Duty on Syder, Pork & Beef, and to Grant in Liew thereof a Duty on Goods Sold at Vendue.

[Passed, November 3, 1740.]

WHEREAS in & by an Act of the General Assembly Intituled an Act, to Lay a Duty on the Goods, and a Tax on the Slaves therein Mentioned, during the Time & for the use Mentioned in the Same, Passed in the Eighth year of his present Majesties Reign, there was among other Impositions, a Duty Lay'd on the Syder, Pork & Beef, that Should be Imported into this Colony, from the Twenty Fifth day of December, in the year one Thousand Seven Hundred & Thirty four, for the full Term of Ten years to be from thence completed and Ended.

AND whereas from the long Experience Since the Commencement of the Said Duties on Syder Pork & Beef, it has been found of the one hand that They have brought up but a Trifle in Comparison of what it was Expected the Same would have produced, and of the other, That they have been a very great Detrement to the commerce Trade & navigation of this Colony. The General Assembly do therefore Pray, that it may be Enacted, and be it Enacted by his Honour the Lieutenant Governour, the Council & the Said Assembly, and it is hereby Enacted by the Authority of the Same, that the Said Duties on Syder Pork, & Beef Layd by the Act above Mentioned, and every Clause matter & thing relating thereto in the Said Act, Shall be & hereby is Repealed & made null & void on the first day of December in this present year 1740, as fully & absolutely to all Intents construction & Purposes whatever, as if the Same had never been Layd or Imposed by the Act before mentioned, any thing therein to the Contrary hereof notwithstanding.

AND that a Sufficient Equivalent for the aforesaid Duties may be granted & Settled in Liew thereof, Be it Enacted by the Same Authority that there Shall be & hereby is given & Granted to his MAJESTY his heirs & Successors from and After the Said first Day of December for and during the Remainder of the Term herein first Mentioned, Ending the Twenty fifth Day of December which will be in the Year one Thousand Seven Hundred & Forty four, and to and for the Same use and purpose those Duties now Stand appropriated to, a Duty of Three per Cent on all Goods Wares & Merchandizes that Shall during that Time be Sold in this Colony, at Publick Out Cry or Vendue, Except of Such as Shall herein after be Perticularly Excepted & Exempted from the Said Duty.

BE it declared & Enacted by the Authority aforesaid, That all goods belonging to the Crown, the Excise, Houses, Lands, Ships, Vessells, goods & Effects of Deceased Persons, or distrained for Rent, or taken in Execution, House hold Goods, Utencils for Husbandry, and all Horses neat Cattle & Sheep, Shall in no wise be Subject to, but altogether Exempted from the Duty above mentioned, anything in the Foregoing Clause notwithstanding.

AND for Securing the Duty hereby Layd on goods Sold at Publick out Cry or Vendue, Be it Enacted by the Authority



aforesaid, that the Vendue Master, for the time being, and whatever Person or Persons who Shall from the Commencement of this Act, & during the Continuance thereof, Sell or dispose of any Goods Wares & Merchandizes (Except Such as are herein before particularly Excepted) At publick Auction, out Cry or Vendue, Shall during the continuance of this Act, at the End of every Three Months, or within Fourteen days thereafter; Give an Exact & True account upon oath, to the Treasurer of this Colony, of all the goods chargeable by this Act, which He or They respectively have Sold in manner as aforesaid, and at the Same time to Pay unto the Said Treasurer, the Sum of Three pounds for every Hundred Pounds value, Sold by him or Them, and after that rate for a greater or Smaller Value, and as a Reward to such Vendue Master or other Person, for keeping Books rendering Accounts, and Paying the Said money to the Treasurer, it Shall be Lawfull for him & Them to Retain in his or their hands the Sum of Five pounds on every Hundred Pounds, He or They Shall so Pay to the Said Treasurer, and after that Rate for a greater or Lesser Sum, which He or they Shall from time to time Pay to the Said Treasurer during the continuance of this Act.

AND for Enabling the Vendue Master & whatever other Person or Persons that Shall Sell Goods at Auction, Out Cry, or Publick Vendue during the Continuance of this Act, to Receive & pay the Duty thereby Imposed, Be it Enacted by the Authority aforesaid, that if any Person or Persons, owner or owners of Goods, Sold in the manner above mentioned, and for which the Said Duty Shall become Due, Shall neglect or Refuse to pay the Same, to the Vendue Master, or Such other Person or Persons, who so Sold the Said Goods, after the Same Shall be Demanded by him or them, It shall then and in such Case be Lawfull to and for the Said Vendue Master, and the Said other Persons and he & they are hereby fully Authorized & Impowered to destrain the goods & Chattels of the Person & Persons so neglecting or Refusing to pay the Said Duty; and Such Distress to keep at the charge of the owner thereof, For the Space of Ten days, and if Such owner do not within that Time, Pay the Duty so Distraigned for, then the distress is to be publickly Sold for the Payment of the Said Duty, and the overplus (if any be after the Charge of taking, Keeping & Selling the Said distress is deducted) to be Immediately restored to the owner.



BE it further Enacted by the Same Authority, that all the money to arise from time to Time, by the Duty on goods Sold at Vendue during the continuance of this Act, Shall be to & for the Same uses & Purposes to Which the herein Repealed Duties Stand appropriated, as well in and by the Act herein before Mentioned, as in & by another Act Intituled an Act, to Strike and make Currant Bills of Credit to the Value of Twelve Thousand Pounds on the Funds & for the uses there in Mentioned Passed in the Said Eighth year of his Majesties Reign, and that the Said money Shall not be applied to and for any other use or Purpose whatever.

AND be it Enacted by the Authority aforesaid, That of all the money, which the Said Treasurer, Shall from time to time receive by virtue of this Act, He shall keep Exact Books, and Render True & Distinct accounts thereof upon oath to the Governour or Commander in chief, for the time being, to the Council and to the General Assembly when by them or any of them thereunto Required

[CHAPTER 702.]

[Chapter 702 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act to pay to the Reverend Mister Alexander Malcolm, The Sum of One Hundred and Eleven pounds, Seven Shillings and six pence, Out of the fund therein Mentioned

[Passed, November 3, 1740.]

WHEREAS THE GENERAL ASSEMBLY by an ACT passed in the Sixth Year of his present Majesties Reign Entituled AN ACT to encourage a public School in the City of New York for Teaching Latin, Greek, and Mathematicks; which Act was to Continue and be of force for five years, IN WHICH ACT among other things it is enacted, that Alexander Malcolm Shall be the School master of the Said Publick School, and as A Reward for that service it is by the Said Act provided and Enacted, That out of the fund of Hawkers And pedlars he Shall Receive A Sum for the Said five years Not less than Two Hundred pounds; And the Act for Licensing hawkers and pedlars not bringing in Sufficient to discharge the Said Sum of Two hundred pounds and the GENERAL ASSEMBLY Conceiving, That the part of the Two Hundred pounds that remains Yet Unpaid to the Said

Alexander Malcolm, is A Just debt due from this Colony; And it Appearing by the Treasurer's Accounts that there is Still Unpaid, The Sum of One hundred Eleven pounds Seven Shillings and Six pence

BE it therefore Enacted by his honour The Lieutenant Governour The Council And the GENERAL ASSEMBLY and it is hereby Enacted by the Authority of the Same, That out of the Monies arisen and to Arise by an Act Entituled, an Act to restrain Hawkers and pedlars within this Colony from Selling without Licence, passed in the Thirteenth year of his Majesties Reign, The Treasurer Shall pay to the said Alexander Malcolm or Order the Sum of One hundred eleven pounds Seven Shillings and six pence in manner following, That is to Say Ten days after the publication of this Act all the Money already in the Treasury Arisen by the aforesaid ACT of Hawkers and pedlars, And so every six Months thereafter Until the whole sum of one hundred Eleven pounds Seven Shillings and Six pence is paid, And his Receipts Shall be to the said Treasurer a Sufficient discharge for so much Money

#### [CHAPTER 703.]

[Chapter 703 of Livingston & Smith, where the act is printed in full. Chapter 703 of Van Schaack, where the title only is printed. See chapter 876. Continued by chapter 709.]

An Act for and Towards Supporting the Government of this Colony, by Granting to his MAJESTY the Duties therein Mentioned, from the first day of December one Thousand Seven Hundred & Forty to the first day of December one Thousand Seven Hundred & Forty one.

[Passed, November 3, 1740.]

WHEREAS the Duties and Impositions Granted by Former Acts of the General Assembly for the Support of his Majesties Government in this Colony will determine on the first day of December next Ensuing, and the Said Assembly being heartily Disposed to make timely Provision for & towards the further Support thereof.

BE it enacted by his Honour the Lieutenant Governour the council and the General Assembly, and it is hereby Enacted



by the authority of the Same, That there shall be, and hereby is given & Granted to his MAJESTY his heirs & Successors for and towards Supporting his Government in & over this Colony, and to & for no other use or Purpose whatever, the Duties & Impositions herein after Mentioned, on the Several Goods & Merchandizes herein Particularly Enumerated, which Shall be Imported into this Colony, from & after the first day of December in this present Year One Thousand Seven Hundred and Forty, to the first Day of December Inclusive which will be in the year One Thousand Seven Hundred & Forty one, That is to say.

FOR every Negro, Mulatta or other Slave of Four Years old and upwards, Imported directly from Africa, Five ounces of Sivil, Pillar or Mexico Plate, or Forty Shillings in Bills of Credit made Currant in this Colony.

For every Such Slave as aforesaid, of Four Years Old & upwards Imported from all other Places, by Land or Water, the Sum of Four Pounds in like money.

For every Pipe of Wine, without Distinction or Exception, nor any other allowance, than what is herein after Explained, from all Places whence they may Legally be Imported, the Sum of Thirty Shillings in Like money, and after that Rate for a Greater or Lesser quantity.

For every Gallon of Rum Brandy & other Distilled Licquors as likewise for every Gallon of Shrub, or any other Licquors of which the greater part is distilled Spirrits, from all Places whence the Same may Legally be Imported, The Sum of two Pence in like money.

For every Hundred Weight of Cacao, (reckoning one Hundred & twelve pounds to the Hundred) The Sum of Four Shillings in like money and after that Rate for a Greater or Lesser quantity, to be Computed or Weighed as hereinafter is directed and Explained.

AND for all European or East India Goods, Imported from the Brittish Islands, with propper Certificates, the Sum of Five pounds in Like Money, for every Hundred pounds Value prime Cost, and after that Rate for a Greater or Lesser quantity.

AND to avoid and clear up disputes that may happen concerning the Duty on Slaves, Be it Enacted by the Authority Aforesaid, That all Slaves Imported from Africa in the Same Vessel which took them on board on any part of that Coast,



Shall Pay no Greater Duty for each of Them than the Said Forty Shillings, Th'o Such Vessel had Stopt at or Entered in any other Port or Ports before her Arrival here. Provided the master or Mate & some other officer which came in Such Vessel from Africa make oath before the Treasurer of this Colony that the Slave or Slaves So Imported here had been actually taken on board of that Vessel on the Coast of Africa, and had not been Landed, or put a shore in any other Place after the Same had been so taken on board of that Vessel on the Said Coast.

BE it Provided & Enacted by the Authority aforesaid, That all Such Slaves as belonging to the Navigation of any Vessel, or coming from or going to the Neighboring Collonies upon the Service of their Masters or Mistresses, and Such as are under the age of Four years, Shall be & hereby are Exempted from the Duty Imposed by this act on Slaves.

BE it further Provided & Enacted by the Same authority, that every Person & Persons coming here Singly, or with their Familys either for the Recovery of their healths, or to Reside in the City or Colony of New York, Shall be allowed Duty Free, all Such Slave or Slaves, as He She or They Shall bring with them for His, Her or their Perticular Service. Provided that the owner & owners of Such Slave or Slaves Shall within Four days after the Importation thereof, give Sufficient Security to the Said Treasurer, that whenever Such Slave or Slaves is or Shall be Sold, the Duty Imposed by this act, Shall be paid for the Same within two days after Such Sale, and upon Failure of paying Such Duty within that Time, the owner or Disposer of Such Slave or Slaves Shall Forfeit the Sum of Ten pounds for every Slave so Sold, and the Slave or Slaves So Sold Shall nevertheless be subject to the Said Duty.

AND if any disputes arise concerning the age of Slaves during the continuance of this Act, BE it Enacted by the Authority Aforesaid, That the Slave or Slaves about which Such disputes may happen, Shall be brought before or viewed by two Justices of the Peace and their opinion or Judgment thereon, Shall Finally determine whether Such Slave Shall be Deemed under or above the age of Four years

BE it Enacted by the Same Authority, That such of the Slaves so Imported as aforesaid, as Shall Die within Thirty

Days after his or her Arrival, Shall be Exempted from the Duty before Mentioned, Provided Proof be made upon oath, before the Said Treasurer, that He or She was Sick at the Time of the Importation thereof.

AND if any Slave or Slaves Shall be Sent from the British Islands for the Recovery of their health, the Same Shall likewise be Exempted of the Said Duty. Provided proof is made in manner as aforesaid, That Such Slave was Sent hither for the Recovery of his or her health only, and that Security be given to the Said Treasurer to Pay the Duty thereof, In case Such Slave doth not Die or be Sent back within Eight Months after the Landing thereof, or within two Days after the Sale thereof, if Sold in this Colony within the time above Mentioned.

AND WHEREAS it has been credibly Represented, that a great number of Slaves have Clandestinely been Imported into this Colony both by Land and by water, to the great Impairing of the Duty Layd on Them, and to the Eminent discouragement of Fair Traders, for Remedy whereof, BE it Enacted by the Authority Aforesaid, That it Shall and may be Lawfull, for all Importers of Slaves, at the time He She or They Pays, or Secures the Payment of the Duty thereof, to demand of the Treasurer for every one of Such Slaves a Certificate, That the Duty thereof is Satisfyed, and thereupon he is to give for every Such Slave to the Importer a Certificate in the Form following. vizt

#### TREASURY OFFICE.

This is to Certify that Duty has been Payd to me according to Law by \_\_\_\_\_ for one \_\_\_\_\_ Slave named \_\_\_\_\_ being a \_\_\_\_\_ aged \_\_\_\_\_ years or thereabouts, Imported from \_\_\_\_\_ witness my hand this \_\_\_\_\_ Day of \_\_\_\_\_ 'Anno \_\_\_\_\_ and then to Sign the Same as Treasurer.

In which first blank is to be put, the name of the Person Paying, In the Second whether Negro, Mollata or Indian, In the third the Slaves Name, In the fourth whether, Man, Woman, Boy or Girl, In the Fifth the age, In the Sixth, The Island or Place from whence, and in the Three last, the Day month & year in Figures.

AND the Treasurer is hereby obliged to give Such Certificates under his hand, for every Slave, to the Importer, desiring the Same, For Each of which Certificates the Said Importer

Is to Pay to the Said Treasurer for his Trouble therein, the Sum of one Shilling & no more, And the Sellar or Sellsors of Such Slave or Slaves are hereby obliged to Deliver to the Purchaser or Purchasers thereof Such Certificate, for Proof that the Duty is Paid for Such Slave or Slaves.

BE it further Enacted by the Same Authority, That if any Person or Persons, Shall Suspect any Slave or Slaves to have been Clandestinely Imported into this Colony, by Land or Water, it Shall be Lawfull for every Such Person & Persons, to enquire of the owner or Possessor thereof whether Duty has been Paid for the Same, and to demand a Sight of the Treasurers certificate thereof, And if the owner or Possessor of Such Slave, Shall refuse to produce the Same, it Shall be Lawfull for the person demanding Such Sight, to Summons Such owner or Possessor before the next Justice of the Peace, and if he or She do then and there produce Such Certificate, the Person so Summoned is only to Pay for the Summons & the charge of Serving it, and then Such Slave is to be discharged. And if no Such Certificate is then Produced, the Said owner or Possessor, is Immediately to Enter into Recognizance to his Majesty in the value of Such Slave, conditioned that He or She, Shall Produce Such a Certificate as aforesaid, within a time to be Limited therein not Exceeding Thirty days, and if Such Certificate is not Produced at or before the Expiration of the time so Limited, the Said Recognizance Shall be Forfeited, and is hereby directed to be put in Suit accordingly But if the Party refuse to Enter into Such Recognizance, the Said Justice is hereby Required, to commit the Said Slave into Safe Custody And if no Such Certificate as aforesaid is produced to the Said Justice within Thirty days thereafter, then & in Such case the Said Slave Shall be & hereby is declared to be Forfeited to his Majesty, for the use hereinafter Mentioned, & Shall be Sold at Publick Vendue to the Highest bidder by the Said Justice Assisted by two other Justices, one whereof to be of the Quorum, giving at least Ten days Publick notice before Such Sale, and of what Shall be Recovered upon the Forfeiture of Such Recognizances as aforesaid, or the money to Arise by the Sale before Mentioned, one half Shall be Paid to the Said Treasurer, to and for the Support of this Government, & the other half to the Person or Persons who Shall take out a Summons in the manner as aforesaid, the Charges of the Prosecution & Sale being first Deducted out of the whole.



AND for the Damages Purchasors may Sustain by having Bought a Slave Clandestinely Imported into this Colony, whether by Land or by Water, He She or They Shall have their Remedy at Law against the Person or Persons who Sold the Same to him Her or Them

AND as all due Encouragement Should be given to Direct Importations, So a proper Distinction ought to be made on Importations which may be Attended with Frauds, as the case has too often happened. BE it therefore Enacted by the authority aforesaid, That Instead of the Duty hereinbefore Layd on Slaves, there Shall be, and hereby is given to his Majesty for the use before Mentioned, a Duty of Five pounds on every Slave upwards of Four years old, that Shall be Imported by Land in the County of Albany, or in the County of Ulster, or in Dutchess County, during the Continuance of this Act, under the Inspections Regulations and Restrictions herein after Mentioned, to wit

Every Such Slave which Shall be Imported by Land in any of the Said Counties, Shall within Three days after the Same Shall be brought in the Limmits of those Counties respectively, Shall be Reported by the Importer or Some other Person in his or her behalf in the manner following, That is to Say.

In the County of Albany to the Mayor of the City of Albany.

And in the Counties of Ulster & Dutchess to the respective Judges of the Inferiour Courts thereof, And Such Reporter Shall at the Same time Pay the Sum of Five pounds for every Slave so Reported to the Person receiving Such Report, who is thereupon to give to him or her a Certificate under his hand & Seal, in the form herein before prescribed, that Duty is Pay'd by him or her for the Slave to be named & Described therein, and Such Certificate, Shall be of the Same Force & Effect as those directed to be given by the Treasurer for the Space of Sixty Days and no Longer.

BE it Enacted by the authority aforesaid, that when Payment of the Said Duty Shall be made in the Manner above Mentioned, Such of the Said Persons as Received the Same, are with all convenient Expedition thereafter, to give an account to the Treasurer when & by whom Such Duty is Payd & for what Slave describing the Same in manner as aforesaid. And to Transmit therewith to the Said Treasurer the Sum of Four pounds, for every Slave so Reported to him, and

the Remaining Twenty Shillings, He may retain for his Trouble therein, And the Said Treasurer is for every Slave he so receives the Said Four pounds of, To Send with the Like Expedition to the Persons who Remitted the Money to him, a Certificate for Such Slave under His hand in the Form herein before prescribed, which Certificate is to be Exchanged for that which was given in the County, and the Latter to be Cancelled.

And Such of the before named Persons, as Shall omit or Neglect to give Such account, or make Such Remittance to the Treasurer as aforesaid, Shall Forfeit the Sum of Ten pounds, for every Such omission or neglect.

AND be it Enacted by the Same Authority, That all Slaves Imported by Land into any of the Counties aforesaid, as Shall not be Reported in the manner before Mentioned, & within the Time hereby Limitted for that Purpose Shall be Forfeited. And all the Said Forfeiture Shall & may be Recovered by any Person or Persons in any Court of Record; one half whereof is to be Payd to the Treasurer towards the Support of this Government, & the other half to him or them that Shall sue for & Prosecute the Same to Effect.

BE it allways Provided & be it Enacted by the authority Aforesaid, That if any Purchaser of a Slave, Should by Fire or other accident have Lost the Certificate hereby directed to be given by the Treasurer, Shall prove by Credible Witnesses, That They had Seen Such Purchaser, to have had Such a Certificate, Then & in Such case Such Proof Shall be allowed, To be of Equal Force, as the Certificate it Self would have been, any thing herein to the Contrary thereof notwithstanding.

BE it enacted by the Authority Aforesaid, That all wines to be Imported in this Colony, during the Continuance of this Act, Shall be Liable to Pay, full Duty if Filled up on board or on shore, whether they are Sound or otherwise, But if the Same are not filled up on board or on shore, Ten per Cent out of the Said Duty, is to be Deducted out of the whole Parcel, which every Merchant or other Person Shall Import in Each Vessel respectively. Provided nevertheless, that if of any Such Parcel of wine, it Shall appear to the Treasurer, by the oath of the Master, Mate or one of the Mariners of the Vessell Importing the Same, that one or more Pipes or other Casks are Staved, or wholly Leaked out, no Duty Shall be Demanded or payd for the Pipe or Cask that Shall so appear to be Staved or wholly



Leaked out, And if of Such Person & Persons as have only one or two Pipes or other Casks of Wine on board of any Particular Vessell, one half part or more thereof, Should happen to be Leaked out, Duty Shall be payd for so much only as may remain therein, Provided the Sworn Guager do first Certify to the Treasurer, the real & net contents thereof, For which Certificate the said Guager is to Demand & receive from the Importer, the Sum of Twelve pence and no more.

AND whereas it is Evident that the allowing of a Draw back on Wine Exported in time, will very much Encourage the Importing a much Larger quantity of it than is Required for the consumption of this Colony. And as the Same is chiefly purchased with the produce of this Country it is not less Evident that the more Wine is Imported, So it will afford the Greater Vent of our Country Produce, Encrease our Trade & Navigation, Enable the Merchants to Supply other parts when their markets Encourage it, and at the Same time, Rather augment than Lessen the amount of the Duty now Imposed on it.

BE it therefore Enacted by the authority aforesaid, That if any of the Wines to be Imported in this Colony from the commencement of this Act & during its continuance, Shall Bona Fide be Exported to any Place or Places beyond Sea (the Colonies of Connecticut & New Jersey excepted) within Six Months after its Importaion, there Shall be Drawn back out of the Duty Payd or Secured to be Payd for the Same, the Sum of Twenty Shillings for every Pipe of wine filled up, that Shall be so Exported, under the Restrictions & Regulations herein after Provided & Directed.

AND to prevent all manner of Fraud in the Said Drawback, Be it Enacted by the Same Authority, that before any Person or Persons Shall be Intituled thereto, or have the Benefit thereof, the Wine Intended for Exportation Shall be duly Entered with the Treasurer, before the Same are Shipped, and at the Same time an oath, or (if a Quaker) an affirmation is to be made before the Said Treasurer. That all the Wines So Entered for Exportation were Imported in the whereof was Master and that the Same were Duly Entered with the Treasurer of this Colony, and Duty thereof actually Payd or Secured to be Payd on the Day of And the Exporter is to Swear or



Affirm that the Wines Entered for Exportation are Intended to be Transported beyond Sea Exclusive of the Colonies of Connecticut & New Jersey, and are not Intended to be Relanded in this Colony, and that in case, he or She Shall thereafter, know or Suspect Such Wines to be Relanded, or Intended to be Relanded in this Colony, He or She Shall Immediately give notice thereof unto the Said Treasurer, and in the first Blank above is to be Incerted the name of the Ship or Vessell in which Such Wines were Imported, in the Second blank the name of the Master of Such Ship or Vessell, in the third the Day of the Month, and in the last the month & year.

BE it further Enacted by the Same Authority, that when an Exporter of Wine, Shall have proceeded in the manner before Directed, and that Such Wine is actually put on board of the Vessell in which the Same is Intended to be Exported, Such Exporter is then to make oath or an affirmation (if a Quaker) of the Exact number of Filled up Pipes of Wine so put on board by him or Her, as Likewise of the names of the Master, the Vessell, & of the Place or Port She is bound to, After which the Said Treasurer is to put Such oath or affirmation on a File, or Enter in a Book, as well for his own Justification, as to be made use of if any Indirect Practices Should be committed

AND be it further Enacted by the Authority aforesaid, That if Wine for which the Said Drawback Shall be allowed, Should be reimported the Importer thereof, Shall duly Enter the Same before the Landing thereof to the Treasurer, and Pay back to him, within Ten days after Such Importation the Drawback which Shall have been allowed for the Same at its Exportation. But if Such Wine Should be relanded in a Clandestine or Fraudulent manner the Same Shall be Forfeited, and if Such Fraudulent Relanding Should be committed by the Person who had or was to have the Benefit of the Said Drawback thereof, or by his or her Order, He or She Shall more over, Forfeit Double the Value of Such Wine. And the Said Forfeitures Shall & may be recovered in any Court of Record within this Colony, by Bill Plaint or Information, wherein no Essoyn, Wager of Law, or more than one Imparliance Shall be Allowed; one third of which Forfeitures is to Pay to the Treasurer to & for the Support of this Government, one other third to the Governour or Commander in chief for the time being, and the remaining Third, to the Person or Persons, who Shall Sue

for & Prosecute the Same to Effect. And of all the Draw Back which Shall by virtue of this Act be remitted or Payd by the Treasurer, he is to keep a Perticular account, and to Render the Same on oath as his other Accounts are herein after Directed to be Rendered by him.

BE it further Enacted by the Authority aforesaid, That the Duty hereby Imposed on Rum, Brandy, and other Distilled Licquors, as likewise on Shrub or any other Liquors of which the Greater part is Distilled Liquors, Imported in the City of New York, during the continuance of this Act, Shall be Calculated from the accounts which the Said Guager Shall render to the Treasurer of the net contents thereof, and the said Guager is hereby obliged & Required to deliver Such accounts to the Said Treasurer from time to time, mentioning the names of the Vessell, Master & Importer of Such Liquors within Fourteen Days next after he Shall have Guaged the respective Parcels thereof, and in Such Guaging, He is to do Justice between the King & the Importer, according to the best of his Skill & understanding.

AND WHEREAS Masters or Commanders often have Some Remains of Wine, Rum or other Distilled Licquors left, of their Sea Store, when They arive in this Port, which ought to be Duty Free, if the quantity is but Small. Be it Enacted by the Same Authority, That if Such Remaining Sea Store, doth not Exceed the quantity of Ten Gallons of Wine, or Ten Gallons of Rum, or other Distilled Licquors, the Same Shall Pass Free of Duty, But for what Such Stores Exceed the Said Quantitys, Duty Shall be Payd according to this Act.

BE it further Enacted by the authority aforesaid, That all Persons, Importing, Cocoa during the continuance of this Act, Shall Enter the Same with the Treasurer of this Colony before its being Landed, and at the Same time to produce unto him, the Invoice or Invoices thereof, and if the Same doth thereby appear to be in English Weight, the Tare of the Cask, or thing Containing it, is only to be Deducted, But if it so appears, to be in Dutch Weight, the Tare of the thing containing, is first to be Deducted, and of the Remainder Duty is to be Payd for every one Hundred & four pound Dutch Weight, as of one Hundred & Twelve pounds; and in that Proportion for a Greater or Lesser quantity And all Such Parcell and Parcells of Cocoa, where of no Invoices is or are Produced are to be Weighed at the Sole Charge of the Importer or the Person



Entering the Same; and where Invoices are Produced, the Person Producing the Same is to make oath or an affirmation, (If a quaker,) to the Said Treasurer That Such Invoice is Real & True to the best of his Knowledge and belief Otherwise the Cocoa is to be weighed at the Sole Charge of the Person Importing or Entering the Same in manner as aforesaid.

BE it Enacted by the Authority Aforesaid, That of all European or East India Goods, to be Imported during the continuance of this Act, from the Brittish Islands in the West Indies, the Importer or Person Entering the Same, Shall in their Respective Enteries there of to the Treasurer, Set down & mention the prime Cost of Such goods, and make Oath, or an Affirmation (if a Quaker,) That Such Value is according to the Invoice thereof Sent to him or her, or brought by him or her, from the Island or Islands Such goods came, and that He or She Believes Such Invoice is real & True. And if no Such Invoice is Produced, or that any Disputes Should arise concerning Such Value, the Treasurer is to Nominate & appoint one Credible Merchant & the Importer another, who are to Appraise Such goods to the best of their Judgments, and according to such Appraisement which is to be at the Sole Charge of the Importer, the Real Value of Such goods is to be Ascertained.

AND for the Effectual Securing the Payment of the Several Duties Imposed by this Act, Be it Enacted by the authority aforesaid, That the Master Mate or Pursser of Every Ship or other Vessell, which Shall during the continuance of this Act, come into any Port, Creek or Harbour within this Colony to Trade or Traffick, Shall not only make Report to his Majestys Collector or his Deputy according to Law, but Shall likewise if any Dutiable goods are found, Repair To the Treasurer of this Colony within Forty Eight hours after his Arival in the Port of NEW YORK, and make to him a full & True Report of all and every Parcel & Parcels of the Several Goods and commodities whereon a Duty is Layd by this Act, which were on board of Such Ship or Vessell at her Arival in this Colony, and to deliver an Exact & True Manifest thereof under his hand to the Said Treasurer, Mentioning therein the quantities of such Dutiable Goods, and the name & names of the Person & Persons to whom the Same belong or are consigned, and at the Same time to take the following oath or Affirmation (if a Quaker) to wit.



I                      of the                      called the                      do Swear (or affirm)  
That this Mannifest is True, and that no more or other Slaves,  
Wine, Rum or other Distilled Licquors, Shrub, Cocoa, or Duty-  
able dry goods were on board of the Said Vessell when She  
arived within this colony, than those Mentioned in this  
Mannifest

In which first Blank is to be put the name of the Person  
Swearing or Affirming, & whether he is Master, Mate or Purser.  
In the Second the nature of the Vessell whether Ship, Snow,  
Briganteen, Sloop Scooner &c and in the Third the name of  
the Vessell and to add thereto the name of the Place, She came  
Last from.

AND to the End Vessells bound or Intended for this Colony,  
which have on board, Wine or Rum consigned to other Colonies  
may not be discouraged from coming directly hither. Be it  
Enacted by the Same Authority, That whenever the case Shall  
so happen, the Person making Report & delivering a Mannefest  
in the Manner before Mentioned, of all the Dutiable goods  
brought by Such Vessell into this Colony, He is to mention  
therein Distinctly, the quantity of Wine and Rum bound else-  
where, Together with the name or names of the Person or  
Persons, as also the Place or Places the same belong or are  
consigned to, and to add to the oath or affirmation before Men-  
tioned, viz't.

AND I do further Swear (or affirm) That for the Goods Men-  
tioned in this Mannifest to be Bound Elsewhere, I actually  
Signed Bills of Lading for that Purpose, at the Place they were  
taken on board.

AND the wine & Rum so Sworn to, Shall & may be carried  
to the Place they are Consigned to, Either in the Same Vessell  
or in another, Provided the Exporter do first Swear (or affirm)  
before the Treasurer. That Such Licquors are not Designed or  
Intended to be Landed or brought back into this Colony. And  
all Wine and Rum So Reported, Sworn to, and Exported as  
aforesaid Shall be Free of the Duty Imposed by this Act, any  
thing therein to the contrary notwithstanding.

BE it further Enacted by the authority aforesaid. That all  
Masters or commanders of Vessells coming into this Colony,  
to Trade or Traffick, who Shall omit or Neglect to make Such  
Report and Take Such oath or affirmation as aforesaid to and  
before the Said Treasurer within the Time before Mentioned

for that Purpose, or Shall Land or put on shore within the Limmits of this Colony, any of the before Mentioned Dutiable Goods (Except Slaves attending on their Masters or Mistresses) He and they so Offending Shall Forfeit to his Majesty his Heirs & Successors, the Sum of one Hundred Pounds Currant money of this Colony, one third whereof for the Support of his Government in this Colony, and Payd to the Treasurer thereof for that use, one other third to the Governour or Commander in chief for the time being, and the Remaining Third to the Person or Persons who Shall Sue for and Prosecute the Same to Effect, by Bill Plaint or Information in any Court within this Colony. Provided that Such Suite or Suites Shall be brought within Six months next after the Offence is committed, and at no time thereafter.

BE it Enacted by the Same Authority, That if any Merchant Factor or other Person, Shall Land, or put on shore any of the before Mentioned Dutiable Goods, before he or they have duly Entered the Same with the Treasurer, and Payd or Secured the Payment of the Duty thereof, to him according to this Act, all Such Dutiable Goods So Landed or put on shore (Except Slaves attending on their Master & Mistresses) Shall be Forfeited, Recovered, applyed, & Divided in the manner before Mentioned.

BE it further Enacted by the Authority Aforesaid, That after REPORT and Entry is made in the manner before Mentioned of any Ship or other Vessel coming to Trade or unload in this Colony, Every Merchant Factor or other Person having Dutiable goods on board of Such Vessel, or Some other Person in his or their behalf, Shall make perticular Entry of Such goods to the Treasurer, and at the Same time to Pay unto him the Duties thereof if the Same do not Exceed the Sum of Ten pounds; and if Such Duties Exceed the Said Sum, He She or they so Enttring or owning Such goods, Shall well & Sufficiently Secure the Payment thereof, within Three months after the Date of the Entry of such goods by Bond or Bill at the discretion of the Said Treasurer; who is thereupon to give Gratis, to the Person so Paying, or so Securing the Payment of Such Duties, a Certificate to the Land & Tide Waiter for the time being, that Duties are payd or secured to be Payd according to this Act for the goods to be Mentioned in Such Certificate; and thereupon Such goods Shall & may be Landed & Housed without any manner of Hinderance or obstruction.



BE it also Enacted by the Same Authority, That for the Recovery of Such of the Duties Imposed by this Act, as Shall not be Payd within Three months after the Entry thereof, The Said Treasurer Shall be & hereby is fully authorized & Impowered, to cause Process to be Issued against all & every Person & Persons who shall Stand in Debted for Duties Longer than the Three Months allowed for the Payment thereof. And the Said Treasurer is hereby further Authorized & Impowered to cause the Like process to be Issued against all & every Person & Persons who owe any Duties or arrears of Duty arisen by virtue as well of the Act Intituled an Act for Granting to his Majesty Several Duties towards Supporting his Government in this Colony for one year, at the time & in the manner therein Mentioned which Act Stands continued to the first of December in this present year, One Thousand Seven Hundred and Forty, as of any Former Act or Acts by which Duties have been Imposed for the Support of this Government, notwithstanding those Acts are Expired by their own Limitation. And for this Purpose Such Parts only of the Said Expired Acts as are Requisite to Recover the Debts and Arrears aforesaid are hereby declared to be of Full Force And in these Cases, all Courts within this Colony in which Suites Shall be Brought for Such Duties or arrears of Duties as aforesaid, Shall allow the Entries of Importers with the Treasurer, good & sufficient Evidence in Law.

BE it further Enacted by the Authority Aforesaid, That if the Said Treasurer, Shall not cause Process to be made, for any Duties to arise by virtue of this Act, at the End of Three months hereby Limmited for the Payment thereof, Such Duties & the arrears thereof, as he Shall so Omit to Sue for, Shall be deemed as assets in his hands, and he shall in Such Case be answerable for the Same accordingly.

AND to the End the Said Treasurer may not be Left Remedy Less in the case above Mentioned. Be it Enacted by the Same Authority That He Shall be and hereby is fully authorized & Impowered to Commence and Prosecute Suites in his MAJESTIES name, but at his own Cost and Charge, for Such part of the above Mentioned Duties as by the Foregoing Clause he is made answerable for.

AND for the better Inspection of the Said Duties in the Port of NEW YORK. Be it Enacted by the Authority Aforesaid, that during the Continuance of this Act, all Masters of Vessels



who have Dutiable goods on board and Reported the Same to the Treasurer, Shall acquaint the Land & Tide Waiter at which of the Wharfs or usual Landing Places he Intends to put Such goods ashore. And such Master as Shall Presume to Land them at any other Place (Unless by Permission of Such officer) Shall Forfeit Th'o the goods were duly Entered, The Sum of Five pounds, to be Recovered before any two Justices of the Peace, who are hereby Impowered to hear and Determine the Same, one half of which Forfeiture to be Payd to the Treasurer towards the Support of this Government, and the other half to the officer who shall sue for and Recover the Same. Provided nevertheless That Slaves may be Landed at any other Place as soon as the Master has made Report thereof in manner as aforesaid.

AND for the End before Mentioned, Be it Enacted by the Same Authority, That the present Land & Tide Waiter or the Land and Tide Waiter for the time being, Shall be & hereby is Vested with all Propper Powers to Execute the office of a Land & Tide Waiter, and Strictly charged & Required dilligently and constantly to attend & perform that Service in the best manner He is able, according to the Directions and True meaning of this Act, as well for Preventing Frauds & abuses in the Duties thereby Imposed, as to give no Unnecessary Delay to Merchants or Masters of Vessels in the dispatch of their Business.

AND to the End Trade & Navigation may meet with all Reasonable dispatch, BE it Enacted by the Authority aforesaid, That the Treasurer of this Colony, Shall be, and hereby is fully authorized Impowered & Required to Administer all & every the oaths & affirmations by this Act Directed to be taken by Masters Mates or Pursers of Vessells, and by Merchants & Importers of Dutiable goods: For administring of which no Fee or Reward is to be taken.

BE it Provided and Enacted by the Same Authority, That if any of the Goods hereby made Dutiable, and for which the Duty has actually been Payd, Should be Exported out of this Colony, & afterwards Returned to & Reimported within the Same, Such goods Shall be Free from Paying a Second Duty. Provided an oath, or an affirmation (if a Quaker) be made before the Treasurer, That the Duty has been Actually Payd for Such goods, the time when, and in what Vessel & from what Place the Same were first Imported into this Colony.

AND that the Duties Imposed by this Act may be Secured and Received in the County of Suffolk, Be it Enacted by the Authority Aforesaid, That Brinley Sylvester Esq'r, The Present officer of the Colony Duty in the Said County, and in case of his Death or Removeal Such other fit & discret Person Residing in the Town of South hold or Shelter Island as shall be commissioned by the Lieutenant Governour or Commander in Chief for the time being, with the approbation of the Council, until another be appointed by the General Assembly Shall be & hereby is fully Authorized Impowered Directed & Required, to Inspect & manage the Duties Imposed by this Act, and to Secure and receive the Same for all the Dutiable goods and Merchandizes that Shall be Imported in the Said County of Suffolk & the District thereof during the Continuance of this Act, and of all the Duties to arise thereby He is to Keep Exact Books, and every Six months He is to Transmit True Accounts thereof upon oath to the Treasurer of this Colony, Together with all & every Sum & Sums of money, which he Shall receive by means of the Said Duties, and a Receipt thereof from the Said Treasurer, Shall be to him a Sufficient discharge for so much as Shall therein be Mentioned to be received.

BE it Enacted by the Same Authority, That in all matters Relating to the Said Duties in the County of Suffolk, The before Mentioned Officer Shall in every Respect, and to all Intents & Purposes whatever have the Same Power & Authority to do Perform & Execute all and Singular the Powers, Duties & Functions in the Said County, as in this Act is given to & required from the Treasurer & Land & Tide Waiter in NEW YORK, in as full & ample manner to all Intents Constructions & Purposes whatever, as if the Same Powers Duties & Functions were Expressly herein given to him directly, and He is hereby required to Act accordingly, and for Slaves whereof the Duty Shall be paid to him, He shall & may give and sign Certificates in the Same Form here in before Prescribed, which Shall be of the Same use & Effect as those herein Directed to be given & Signed by the Treasurer, and he Shall be Allowed the like Fee for the Same.

BE it likewise Enacted by the Authority aforesaid, That all Masters, Mates or Pursers coming to Trade or Traffick in the Said county of Suffolk, and all Merchants Factors & all other Persons, whether acting for Themselves or for others; and likewise all the Dutiable goods that may come to or be Landed in



the Said County During the continuance of this Act, Shall be Subject & Liable to all the Rules Regulations and Injunctions, and Liable to the Same Fines, Penalties & Forfeitures, as are herein before Enacted for the Port of NEW YORK, as well under the management of the Treasurer, as under the Inspection of the Land and Tide Waiter, as fully amply & Effectually to all Intents, Constructions & Purposes whatever, as if those Several Matters were at Large Incerted in this Clause.

BE it Enacted by the Same Authority, That if during the continuance of this act, another officer of the colony Duty in Suffolk County or another Land & Tide Waiter in the Port of NEW YORK be appointed They Severally Shall take the usual Oaths of Such officers, before They take upon Themselves the Execution of their Respective office.

BE it Enacted by the Authority aforesaid, That the Said officer in Suffolk County, Shall have Power to appoint an Honest able Person to Guage all Such Dutiable Licquors as Shall be Imported there during the continuance of this Act; and the reward of such Guaging Shall be at the Sole Charge of the Importer.

BE it also Enacted by the Same Authority, That all Fines Penalties and Forfeitures which may happen to become Due in the Said County, during the continuance of this Act, Shall be recovered applyed and Divided in the manner herein before Directed, Provided that all Dutiable goods which Shall be carryed to the Said County From the Port of NEW YORK, and of which the Duty has been Payd there, Shall not be Liable to Pay Duty in the Said County.

BE it further Enacted by the authority aforesaid, That it Shall be Lawfull to and for the Said officer in Suffolk County, to retain in his hands, The Sum of one Shilling & Six pence on every pound which He shall receive by virtue of this Act, and Pay unto the Treasurer in pursuance thereof, as a Reward for the Several Services hereby required to be performed by him.

AND WHEREAS the Business in the Treasury Requires a constant attendance in the City of NEW YORK, for the dispatch of masters of Vessels, as well as of Merchants and other Persons Be it Enacted by the Authority aforesaid, that whenever the Treasurer Should happen to be Indisposed or out of Town, It Shall and may be Lawfull for him, from time to time, to constitute a Fit Deputy under him, who thereupon Shall have



the Same Powers to Transact the affairs of the Treasury as are hereby given to the Treasurer himself. Allways provided that he shall be answerable and accountable for all & every Act done by Virtue of Such Deputation in the Same manner, as if Such Act was done by himself.

BE it Enacted by the Same Authority That all the money to arise by virtue of this Act, Shall remain in the Treasury until the Same Shall be applyed for & Towards the Support of this Government, by Act or Acts of the General Assembly to be Passed for that purpose, in this present Session, or in any other Session or Sessions thereafter.

AND if any Part of the Said money Shall be Issued in any other manner, It Shall be Deemed a Misapplication, and the Said Treasurer, Shall be accountable and answerable for the Same any Warrant, Mandate or order notwithstanding.

AND be it Enacted by the authority aforesaid, That of all and Every Sum and Sums of money, which the Said Treasurer Shall receive and Pay by virtue of this Act, He Shall keep Exact and Distinct Books, and render true Accounts thereof upon oath, to the Lieutenant Governour or Commander in chief, for the time being, to the Council, or to the General Assembly, when by Them or any of Them thereunto Required.

[CHAPTER 704.]

[Chapter 704 of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 1, 1742.]

An Act to Support the Garrison at Oswego  
and to Regulate the Furr Trade in the County  
of Albany.

[Passed, November 3, 1740.]

WHEREAS by means of the Trading House at Oswego, the Remote nations of Indians have been greatly Encouraged to Trade there, whereby our Furr Trade has been very much Encreased to the Benefit of those who Trade Thither, & at the Same time Enables us to make very Valuable returns to great Brittain, but as the Funds Granted for Victualing the Garrison Posted there & for defraying the necessary Contingencies requisite to support the House and Trade aforesaid will Expire on the first Day of November next, a further Provision is Required to uphold a Place & Trade of that Importance, which the General Assembly being willing to Grant

BE it Enacted by his Honour the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the authority of the Same, That there be given and granted unto his Majesty his Heirs and Successors, to and for Supporting the Trading House at Oswego, to Victual the Troops posted or to be posted there, and to Defray the contingent and necessary charges attending the Same, from the first day of November in this present year, one Thousand Seven Hundred & Forty, to the first day of November, which will be in the Year one Thousand Seven Hundred and Forty Two, and to and for no other use or purpose whatsoever, the Duties and Impositions following, on the goods hereafter Mentioned, which Shall be Sold Carried or Transported in order to be disposed of to the Indians or to the French, from the Said first day of November in the year one Thousand Seven Hundred & Forty, to the first day of November which will be in the year One Thousand Seven Hundred & Forty two, both Inclusive that is to Say.

On every Piece of Strouds or other Cloaths the quantity of one ounce and five penny weight, of Sevil, Piller or Mexico plate, or Ten Shillings in bills of Credit made Current in this Colony.

And on every Gallon of Rum or other distilled Liquors, one Shilling in like money except an allowance of Ten pr Cent for each Battoe or Canoe for their Store, and so in proportion for a greater or Lesser quantity

AND for the better Securing the Payment of the Said Duty, BE it Enacted by the authority aforesaid, that every Person & Persons carrying Sending or Transporting any Strouds or other Cloaths, Rum or other distilled Liquors (Except as before Excepted) from the City of Albany or from any part of the Said County, whether Sold or with Intent to Sell the Same to the Indians or to the French, Shall first enter with or Report to the Commissioners herein after named, or to one of their Deputies the full & Exact quantity thereof, and at the Same time become bound to Pay the Duties by this Act Imposed on the Said goods, unto them or their order, within Three calender months after Such Entry and secure the Payment thereof by Recognizance, or Bond, or Bill, at the Election of the Said commissioners or their Deputies.

AND be it further Enacted by the Authority aforesaid that Immediately after the said goods are so Entered & the Duties



thereof Secured in manner aforesaid, then the Said commissioners or either of them, or their Deputy, Shall give a proper Certificate, under his or their hands and Seals of the Persons name so entering, and the quantities and Species of the goods for which the Duty is so Secured and for Such Certificate of all the goods So Entered at one time, the Party so entering the same Shall Pay unto the commissioners, for their Trouble therein, one Shilling, and for a Recognizance Bond or Bill two Shillings and no more.

And that the Payment of the Duty hereby Lay'd on Strouds or other Cloaths may not be Eluded, by cutting them into small Pieces Be it Enacted by the authority Aforesaid, That of Strouds cut & sold in Small parcels, every Twenty Four yards, Shall be Accounted as one piece, and be Subject to Pay the Duty of Ten Shillings laid on it by this Act and so in Proportion.

BE it Also Enacted by the authority aforesaid, that all Such Strouds or other Cloaths, & Rum or other distilled Liquors, as Shall be Sold to the Indians or French, during the continuance of the Said Duties, the person or persons So Selling the Same Shall be Subject Liable & answerable for the Dutys laid thereon by this Act, and Shall be obliged upon oath to declare the full quantity of the goods so Sold, if thereunto required by the Said Commissioners or either of them, and to Pay the Dutys thereof as fully and Effectually, as if the Party had entered into Recognizance for the Same.

BE it further Enacted by the Authority aforesaid, that if all or any part of Strouds or other Cloaths so Entred & the Duties thereof Pay'd or Secured, by any Person or Persons in manner as Aforesaid, Shall be unsold & returned to the place, where a Certificate was granted for the Same, the Said Commissioners are hereby directed and required Either to Remit & deduct out of the recognizance, Bond or Bill given for the Duty thereof, So much as the duty of Such returned Strouds or other cloaths amounts to, or to pay the Same back to the Party if Such Duty is paid to the commissioners before that time, Provided the Party requiring Such Remittance or Repayment First Swear on the Holy Evangelists, that Such Strouds or other Cloaths were actually Entered & Duty pay'd, or Secured to be Paid for them, within Sixty Days before Such Swearing, and likewise that He or She will not again Send carry, or Transport them for Sale to



the Indians or French, until He or She, Shall first Enter & Secure the Duties thereof.

AND to prevent Strouds or other Cloaths, Rum or other Distilled Liquors from being Clandestinely, Sent carryed or Transported for Sale to the Indians or French, BE it further Enacted by the Authority aforesaid, that if the Said Commissioners, Shall during the time a Duty is hereby Laid on those goods, have Information or Just cause to Suspect, That any Person or Persons has or have Sent carryed or Transported any Such goods or Liquors before Mentioned, or Either of them, without Entering or more then Entered, It Shall be Lawfull for the Said commissioners, and they or one of them are hereby required to Summons Such Person or Persons before him or them, and He She or they so appearing, Shall be obliged to make oath before him or them, of the full quantity of Strouds or other Cloaths, Rum or other Distilled Liquors, Sent carryed or Transported for Sale to the Indians or French, by or for him Her or them So Summoned, from a time to be named by the Commissioners, and upon such Information, or Suspition, afterwards, He or they Shall & may Issue Such Summons or Summonses again & again, and cause Such oath to be Administred, Provided the time do not extend beyond the time at which the Party swore last; and if upon Such Oath or Oaths it appears, that more is Sent carryed or Transported, than what has been Duly Entered, the Party or Party's is and are hereby obliged Immediatly to Pay a Double Duty for all Such goods as Shall appear, to be Sent or Sold without Entry, or more then Entered, or Enter into Recognizance to Pay it within Ten days thereafter, and on Failure of Either the Same is to be Recovered, before any two Justices of the Peace in the City or County of Albany, who are hereby Impowered & Required to award Judgment and (If need be) Executions Accordingly, and if the Party or Partys so Summoned as aforesaid, Do not appear at or within Fourteen Days after Such Summons is personally Served upon him, Her or them, or left at his, Her or their usual Place of abode, or appearing to refuse to swear and give an account as aforesaid, in Either of Such Cases, He She or they, Shall Forfeit unto his Majesty his Heirs and Successors to and for the use of the Said Trading House, the Sum of Fifty Pounds, to be recovered in any Court of Record within this Colony, by Action of Debt, Bill Plaint or Information, wherein no Essoyn Protection Wager of Law or any more

then one Imparliance Shall be allowed, and if such Person or Persons, be afterwards Summoned, The Oath Shall only be required from the time the last Summons was Daited, and the Said Commissioners are hereby Impowered and authorized to administer the Several Oaths in this and in the foregoing Clause mentioned.

BE it further Enacted by the Authority Aforesaid, that if any Rum or other distilled Liquors, Strouds or other Cloaths be found to the Westward of the Town of Schenectady, or any Strouds or other Cloaths beyond the Bounds of the City of Albany to the northward without Such Certificate as aforesaid, the Same Shall be Forfeited unto his Majesty his Heirs and Successors, and recovered in any Court of Record within this Colony, by bill Plaint or Information, wherein no Essoyn Protection or Wager of Law, or any more than one Imparliance Shall be allowed, one half of which Forfeiture, to be for the use of the Trading House at Oswego, and the other half to & for any other Person or Persons, Seizing, Informing, & prosecuting the Same to Effect

AND be it further Enacted by the authority aforesaid, That John DePeyster & John Schuyler, Shall be & hereby are appointed Commissioners, for managing Securing & Collecting the Duties above mentioned, and for the Effectual doing thereof, They are hereby fully Authorized to receive Such Entrys or Reports, and to grant and Issue Such Certificates as aforesaid, likewise to appoint one or more Deputies under them, with the like or Limited Power, allways Provided, that They Shall be answerable for the Conduct & management of Such Deputy or Deputies, Provided likewise, That all the money to arise by virtue of this Act, Shall be received by the Said Commissioners or Either of them, and by them from time to time, Transmitted to the Treasurer of this Colony, and if one of them happen to Die, before the Determination of the Said Duties, all the Said Power Shall devolve on the Survivor of them, and in case They both Die within the Said time, then the first Deputy, to be appointed by them, Shall have the Same Power & Authority hereby given unto the Said commissioners, until another Shall be appointed by a Subsequent Act, and in the mean while be Subject to all the directions & Rules, and to take the Same oath, and to Enter into the like Recognizance, and be Intituled to the Same Reward as in this Act is and Shall be mentioned on the behalf of the above named Commissioners



AND be it further Enacted by the authority aforesaid that the Said Commissioners, Shall be and hereby are obliged to do and perform every thing by this Act required of them, to be done and performed, according to the true Intent and meaning thereof, and not only to keep Exact Books of all the Duties to arise by virtue of this Act, but also to Render true and Just Accounts thereof upon oath, to the Governour or Commander in chief for the time being, the Council or the General Assembly when by them or any of them thereunto Required, and of all the Several Sums they Shall receive & Transmit to the Treasurer, it Shall be Lawful for them, to retain in their hands as a Reward for their Trouble and care by this Act required to be done & performed by Them, Five pounds on every Hundred Pounds, and after that rate for a greater or Lesser Sum, so received and Transmitted as aforesaid.

BE it also Enacted by the authority aforesaid, That each of the Commissioners above named, Shall on or before the Fifteenth day of November next, take the following oath on the Holy Evangelists before the Mayor or Recorder, or any two of the Aldermen of the Said City, viz't

I. A. B. do Swear that I will not during the Continuance of the Duties Imposed by this Act, Issue any Such Summons or administer any Such oath as I am thereby Impowered to do, against or to any other Person or Persons than Such as I Shall really Suspect or be Informed to have Sent carryed, Transported or Sold to the Indians or the French, Strouds or other Cloaths, or Rum or other distilled Liquors without entering the Same, or more than what has been so Entered, and that if I Send Transport or Sell to the Indians or to the French, any of Such goods on my own Account, or in Partnership with others, I Shall give full Credit for the whole Duty thereof in the books to be kept by me of the Said Duty. So help me God

AND the Said Commissioners are hereby further obliged, at or within the time aforesaid, Severally to Enter into Recognizance with two Securities, unto our Sovereign Lord the KING, his Heirs and Successors before the Said Mayor or Recorder himself in the Sum of one Thousand Pounds, and each of the Securities in the Sum of Five Hundred Pounds Conditioned, that He Shall and will well & Truly Execute what by this Act he is Impowered and required to do, in relation to the Duties therein, mentioned, To pay the money arising thereby,



and Render true accounts thereof, as in and by this Act is Directed.

BE it further Enacted by the authority aforesaid, That the Said Mayor or Recorder or any two of the aldermen of the Said City of Albany who Shall administer the afore mentioned oath to the Said commissioners, or take the above mentioned Recognizances of them, shall within two months after the Date thereof, Transmit unto the Treasurer of this Colony, the Said Recognizances, as also a Certificate, that Such oaths as aforesaid, have been taken before him or them, by the Said Commissioners which Said Certificate and Recognizances are to be Lodged & remain in the Treasury.

BE it provided and Enacted by the authority aforesaid, that all Such Rum or other Distilled Liquors, as by this Act are Subject and Liable to Pay the Sum of one Shilling on every Gallon, and for which Such Duty Shall be actually paid, or secured to be paid, in manner as Aforesaid, Shall during the continuance of the Said Duty by this Act, be Exempted of the Duty of Excise, Laid by an Act, Intituled an Act for Laying an Excise on all Strong Liquors retailed in this Colony, Passed in the Twelfth year of her late Majestys reign, The Said act or any other Law to the Contrary thereof notwithstanding.

BE it further Enacted by the authority aforesaid, that every Person and Persons carrying Sending or Transporting, any Stronds or other Cloaths to oswego, oneida, Cajouga, Tuscarora, onondaga, or Sinekees, whether Sold or with Intent to Sell the Same, to the Indians or French, Shall first Report and Enter with the Commissioners aforesaid, or one of Them, or one of their Deputies the full Exact & Distinct quantity thereof and at the Same time Enter into a Recognizance to our Sovereign Lord the King, with one or more Sufficient Surety or Sureties, according to the Discretion of the commissioner or commissioners, or his or their Deputy or Deputies, to the Effect following, that is to Say,

MEMORANDUM on the Day of one  
 Thousand Seven Hundred and Forty Then A. B. appeared  
 before me one of the Commissioners appointed  
 by an Act of the General Assembly of this Colony, for managing Securing and Collecting the Duties on Indian goods and Rum, and did acknowledge himself Indebted unto our Sovereign Lord the King, his Heirs and Successors, in the Sum of Fifty Pounds current money of New York, to be Levied upon

all his Lands and Tenements, goods and Chattels, and also appeared as aforesaid and did acknowledge to be Indebted to our Sovereign Lord the King, his Heirs & Successors in the Sum of Fifty Pounds, to be Levied on all & Singular Lands & Tenements Goods & chattels on the condition following.

That if the abovesaid A. B. Shall on or before the Day of next, Pay or cause to be Pay'd unto the above named Commissioners, or one of them, the full Sum of current money of this Colony, as also that he Shall not and will not at any time hereafter, directly or Indirectly, Defraud, Cheat, or abuse any Indian or Indians whatsoever, in any kind or Sort of Dealing or Trading with them, Especially by mixing, or knowing the Same to have been mixed or putting water or other Small Liquors into any of the Rum, He Shall Sell or Truck with them or any of them at Oswego, or Elsewhere, and Shall not or will not, wittingly or willingly, Hurt, Injure or in any wise Personally abuse or misbehave himself towards any of the Said Indian or Indians, then this Recognizance to be void otherwise to Stand & remain in full Force

AND be it Enacted by the authority aforesaid that the commissioners of the Said Duties Shall be and hereby are fully, authorized & Impowered to take the Several Recognizances as hereby directed to be taken before them, & that Such Recognizance or Recognizances Shall be as good & Effectual in Law as if the Same had been before any one of the Justices of the Supream Court in this Colony, any Law or Practice to the contrary in any wise notwithstanding

AND for the more Effectual Securing of the Duties Imposed by this Act, on Strouds Cloaths, Rum or other Distilled Liquors, Be it Enacted by the authority aforesaid, That all Persons Sending Carrying or Transporting the Said goods or Either of them to Oswego, Shall besides Entering into Recognizance for the Duty thereof, Take a Certificate from the commissioners of the Said Duties or their Deputies, that the Duties are Secured of the Several quantities & Species to be mentioned therein, & to certify in the Same, that the Party has taken the oath herein after prescribed, which certificate the said commissioners, or their Deputy, is hereby required to give, which certificate or certificates are to be produced and Delivered to the commissary

or to the commanding officer at Oswego, for the time being, and if any Trader, or any other Person Shall presume to carry any of the aforesaid goods without Such certificate or more than Shall be mentioned therein, the Same Shall be Forfeited to his Majesty his heirs and Successors, one half thereof for the Benefit of the Said Commissary or Commanding officer, or any other Person that Shall Seize the Same and the other half, to and for the use of the Said Trading House at Oswego, and it Shall and may be Lawfull for them, or Either of them, to make Seizure accordingly, and to Dispose of the goods So Seized for the use above mentioned.

AND be it further Enacted by the authority aforesaid, that the Said commissioners and each of them are authorized & Impowered, and are hereby Enjoined and required before he or They grant Such Licence, to administer an oath, unto every Such Indian Trader to the Effect following, that is to Say.

I A. B. do Solemnly Swear in the presence of Almighty God (or if a Quaker sincerely and truly declare and affirm) that I will not henceforth at any time During the continuance of my Licence and absence from home, by my Self, neither Shall my Agent Deputy, Factor, or Partner, with my knowledge or connivance, Sell or Truck, or cause to be Sold and Trucked, to any Indian or Indians whatsoever, any unmerchantable Rum, nor will I directly or Indirectly by any ways or means whatsoever knowingly or willingly, deceive, defraud or Impose upon them, or any of them, by selling any Unmerchantable Rum, with whom I my Self or any one for me, Shall hereafter buy, Sell, Truck, or Traffick or any wise deal or Trade And I do farther Swear that of all the Rum Which I Shall Send or carry to Oswego, I Shall Enter the full quantity thereof, with one of the Commissioners of the Oswego Duty, or with one of their Deputies. So help me God.

AND of the Quantity so Sworn to the Said Commissioners or the Said Deputy is to allow Duty Free, the Ten pr Cent allowed by this Act for the use herein before Mentioned.

BE it further Enacted by the Same Authority, that every such Indian Trader as aforesaid, Shall be obliged & hereby is Enjoined to take the Oath above Mentioned, at the Same time He She or They Shall receive, his, her, or their Licence to Trade, and if any Such Indian Trader or Traders, Shall afterwards be convicted by the oath of one or more Credible witness or wit-



nesses before the Said Commissioners, or any of his Majesties Justices of the Peace for the County of Albany, who are hereby authorized & required to hear & determine the Same, of a wilfull breach of his Said oath or affirmation, He or they so convicted Shall by Warrant under the hand & Seal of the Said commissioners or Such Justice of the Peace be Immediately committed to the common Jail of the Said County, there to remain without Bail or mainprize, for the time of Three Months, and be Intirely Incapacitated by himself or by any agent or agents, directly or Indirectly, to Deal or Trade with the Indians, for the Space of two years, after Such Commitment, and Shall also Forfeit the Sum of Twenty Five pounds (over and above the Penalty of the Said Recognizance) one half to the prosecutor, and the other half to & for the use of the Said Trading House at Oswego, To be sued for & Recovered before the Said commissioners or any one of his Majesties Justices of the Peace for the said County of Albany, in manner aforesaid.

AND to prevent more Effectually the Selling of Rum which is unmerchantable adulterated, or mixt with water to the Said Indians or any of Them. BE it Enacted by the authority aforesaid, that from and after the Publication and during the continuance of this act, it Shall be Lawfull for the commissary Residing or to reside at Oswego, or in his absence for the commanding officer there, and the Said Commissary or Commanding officer are hereby required to Examine Taste and Prove once every week or oftner, all the Rum that is or Shall be brought to Oswego, and if upon Such examination or examinations, any Rum Shall be found, that is not really good and merchantable, the Said commissary or officer is hereby required to Seize the Same, and thereupon Immediately take to his assistance, two or more credible Traders to Taste and prove the Said Rum so Seized, and if they find the Same to be adulterated or unmerchantable, They are to Certify it under their hands, and thereupon Such Rum, being so Certify'd, Shall be & hereby is declared Forfeited, and the commissary or commanding officer, is hereby further Required, Immediately, and in the presence of the Traders & Indians, which Shall then be present, to Pour out on the Ground, or into the River or Lake, all and every Drop of Such Forfeited Rum, whether the Same be in Cags or any other Vessel.

AND to the End that no unmerchable Rum or other Distilled Liquors be Clandestinely or otherwise Sold to the Indians at Oswego, Be it Enacted by the authority aforesaid, That if any Indian or Indians Should during the continuance of this Act, complain to the Commissary or in his absence to the Commanding officer, that any of our Traders, have Sold or Delivered to Such Indian or Indians, any Rum or other Distilled Liquors that has been adulterated, or is unmerchable, the Said commissary or the commanding officer, Shall be and hereby is Impowered & Required Immediately to Taste prove & Examine the Rum, or other distilled Liquors so complained of, as likewise all other Rum or other Distilled Liquors Sold to the Indians & Suspected to have been adulterated, & finding the Same to be unmerchable, the Said commissary or commanding officer is Immediately to Seize the Same, and to proceed thereon in the Same manner as is above Directed, and being certify'd by the Said Traders, that the Rum or other distilled Liquors so sold or found is unmerchable, the Same Shall be Immediately poured out & Destroyed in the manner as in & by the Said Clause is ordered & directed, and the Trader or Traders who have Sold or Delivered Such Rum or other distilled Liquors, Shall and hereby are obliged, to deliver unto the Indian or Indians, he or they Sold or Deliver'd Such adulterated or unmerchable Rum to, a like quantity of good and Merchantable Rum, or other distilled Liquors in Lieu thereof unless the Said commissary and Traders Shall have good cause to Suspect that Such adulteration, was committed after the Rum was Sold & deliver'd to the Indians.

AND to prevent the Eluding the foregoing Clauses, the General Assembly pray it may be Enacted, and be it Enacted by the authority aforesaid that the Said commanding Officer Shall from time to time permit the Said commissary to Examine, Taste and prove, all the Rum and other distilled Liquors, that is or Shall be in the Trading House at Oswego, & upon Such Examination, all the Rum or other Distilled Liquors, which Shall be found in the Same, not to be really good and Merchantable, Shall likewise be, and hereby is declared Forfeited, and Such Rum is to be Destroyed and proceeded against in the Same manner, as in the last Clause is Directed, And for the more Effectual preventing the adulterating of Rum or other distilled Liquors carryed to or Sold at Oswego, Be it Enacted



by the Authority Aforesaid, That the Person or Persons in whose possession such adulterated or unmerchantable Rum or other distilled Liquors as Aforesaid, Shall be found, Shall Forfeit to his Majesty, his heirs & Successors, not only the full Sum of what Such quantity of merchantable Rum, or other Distilled Liquors Shall then be Sold or valued at Oswego, but likewise to the farther sum of Thirty pounds Current money of this Colony, to be recovered and applied in manner aforesaid.

AND whereas it has been Represented to the General Assembly that Some of our People Trading to Oswego, have and do Enter into contracts with Foreigners, Subjects to the French King, to Assist them in their Said Trade, and as a practice of that kind, may of the one hand, prove of Ill consequence, as it will on the other hand deprive our own Traders of the benefit They reap by the Said Trade, BE it therefore Enacted by the Authority Aforesaid, that from and after the Publication of this Act, and during the continuance thereof, no person or persons whatsoever, Shall be allowed or Permitted to Trade at Oswego, from the County of Albany, or from any other part of this Colony, But Such as are of his Majesties Leige Subjects; and if any of the Said Subjects Trading to Oswego, do Employ any Foreigner or Foreigners, Subjects to the French King, during the Continuance of this Act, under the Colour of Brokers or Interpreters, or on any other pretence whatsoever, every Trader so Employing Such Foreigner or Foreigners, Shall Forfeit to his Majesty his heirs & Successors, for every one he so Employs the Sum of One Hundred Pounds current money of this Colony, to be recovered by Bill, Complaint or Information in any Court of Record within this Colony, wherein no Essoyn Protection or wager of Law, or any more than one Imparllance Shall be allowed, one half of which Forfeiture Shall be for the Benefit of the Trading House at Oswego, and the other half to the Person that Shall Inform and Sue for the Same to Effect, and if any Such Foreigner Shall during the time aforesaid, Presume to carry any manner of Goods Wares or Merchandizes for Sale, on his or their own Account to Oswego from the County of Albany, or any other part of this Colony, all the Said goods Wares & Merchandizes, which Shall be so carried for Sale, Shall be Forfeited to his Majesty, his heirs and Successors, and be Recovered & applied in the manner above mentioned, Provided always that our own Traders,



being his Majesties Leige Subjects Shall be at Liberty to Employ their own Servants (unless Frenchmen) in and about carrying on Their Trade to oswego, without Incurring the Penalty aforesaid, anything herein contained to the contrary thereof in any ways notwithstanding.

AND for as much as Several of the Persons going to Trade with the Indians at oswego, Employ Indian Interpreters, whereby they have the Advantage to Engross a great part of the Trade there, which ought to be of equal Benefit to all the Traders in general, Be it Enacted by the Authority aforesaid, that if during the continuance of this Act, any of the Said Traders, Shall Employ any Indian Interpreter at oswego He or they so Employing an Indian Interpreter there, Shall Forfeit for every Such offence the Sum of Twenty Pounds, current money of this Colony, to be recovered & applied in manner as aforesaid.

AND for the more orderly managing of the Said Trade at oswego, Be it Enacted by the Authority aforesaid, That all Persons going to Trade with the Indians at oswego, Shall fix their Hutts in Such place as the commissary or in his absence the commanding officer, Shall order and Direct, and they are hereby required not to fix them within one Hundred yards of the Said Garrison; and if any of the Said Traders Shall Build or Fix their Hutts in any other Place, than is hereby Directed, every Person presuming to do the Same, Shall Forfeit the Sum of Ten pounds to his Majesty his heirs and Successors. And when any Indians are Trading at oswego, the commanding officer for the time being do order one or more Centinels to prevent all & every of our Traders from using any manner of Art or Compulsion, to Engage or Forestall the Trade of the Said Indians; and if any of the Traders Shall notwithstanding make use of any Such art or Compulsion, every Such Trader Shall Forfeit the Sum of Ten pounds, and that if any of the Traders, Shall upon the appearing of one or more Canoes with Indians on the Lake, go with his or their Canoe or other Vessel & Shall either Trade with Such Indians, or take their Beavers or other Skins into Possession or hinder Such Indians from carrying Such Beavers or Skins into their own Hutts, all & every of the s'd Traders who Shall use Such anticipating or compulsive means, Shall Forfeit the Sum of Twenty Pounds current money of this Colony, to be recovered and applied in manner as aforesaid.

AND be it Enacted by the Same authority that the commissary or in his absence the commanding officer, Shall assign a Place for the Indians to fix their Hutts, and that he use all proper means to prevent the Indians from being Pl used, or in any manner of way, compelled to Trade or act contrary to their own Inclinations, and that they be at full Liberty to Trade, for what and with whom they please.

AND whereas at the season of the year for breaking up the Indian Trade at Oswego, most of the Hutts or Houses, built at the Expense and Labour of the Traders, which have been left Standing at their Departure from thence, and which are necessary for carrying on the Said Trade, have before the Trading Season the year following been almost pulled Down & Destroyed, by the Rudeness and misbehavior of Some of the common Soldiers posted there, Therefore to prevent Such Irregularities for the future, the General Assembly Pray, that his Honour the Lieutenant Governour would be pleased to order & Direct the officer Posted there, To forbid and prevent all & every Such common Soldier & Soldiers under his command, from committing Such Outrages & offences under Such penalty or Punishment, as his Said Honour Shall judge reasonable to Inflict on Such offenders, and be it Enacted by the authority Aforesaid, That if any other Person or Persons Shall burn or Destroy any of the Said Trading Houses, He or they Shall respectively for every Such offence, Forfeit the Sum of Sixteen pounds, current money of this Colony, to be recovered in manner aforesaid, by any Person that Shall Sue for the Same, before any Justice of the Peace within the County of Albany, one half of the Said Forfeiture to belong to the Person, that Shall sue for the Same, and the other half for and towards Supporting the Trading House at Oswego.

AND BE it further Enacted by the Authority Aforesaid that Andries Bratt Shall be and hereby is appointed Commissary at Oswego, for the Ensuing year during the time of the Trade there, and that the commissioners of the Indian Affairs at Albany, Shall be and hereby are Impowered to nominate & Recommend to the Lieutenant Governour or Commander in chief for the time being, a fit and Proper person to be the commissary there in the year one Thousand Seven Hundred & Forty two, Which person Shall be appointed accordingly if the Said Governour or commander in chief Shall think Proper.



AND whereas it has been found by Experience that if a commissary at oswego is appointed a Justice of the Peace, it has contributed very much to the well regulating of the Trade there, The General Assembly therefore pray that the respective commissarys above mentioned may by a distinct commission be appointed a Justice of Peace at oswego and the district properly belonging to it during the Season herein before Mentioned and that he may have the Sole Inspection ordering & Regulating the Indian Trade and Traders there according to the Several Directions in this Act.

BE it therefore Enacted by the Authority Aforesaid that when the Said Commissary, Shall be so appointed a Justice of the Peace, He Shall during all the time he is or resides at oswego, have the Sole Inspection ordering & Regulating the Indian Trade & Traders who Shall be or come to that Place, and the district properly belonging to it, according to the Several Powers and Directions of this Act and when any Dispute Shall happen to arise there between our Traders and the Indians Trading with them, He likewise Shall have full Power & authority, to hear and Determine the Same, and his Judgment or Judgments to be given thereupon Shall be Final (unless otherwise provided by this Act,) and Such Trader or Traders, as Shall not be concluded thereby and comply therewith, Shall Forfeit unto his Majesty his heirs & Successors, the Sum of Ten pounds Current money of this Colony, to be recovered in any Court of Record within this Colony, by Bill Plaint or Information, wherein no Essoyn, Protection or wager of Law, or more than one Imparliance Shall be allowed, one half for the Person, that Shall sue for and prosecute the Same to Effect, and the other half, for Supporting the Said Trading House at oswego, and a Certificate of the Facts under the hand & Seal of the Said Justice of the Peace, Shall in this case be allowed good & Sufficient Proof, and it Shall & may be also Lawfull for the Said Justice to hear & Determine Differences between Trader & Traders, and if the Sum in controversy do not Exceed Forty Shillings his Judgment thereupon Shall be Final & conclusive to the Parties, But if the matter in Difference exceed that Sum, an appeal Shall Lye, and be allowed of according to Law.

AND be it Enacted by the authority aforesaid, that neither the commanding officer, or any other officer, Drummer or Private Soldier, Posted or to be Posted at oswego, nor the commissary or Doctor Residing there, under Pay or Salary, Shall Trade

directly or Indirectly with the Indians at that Place, either on his or their Account, or on the Accounts, or for the use of any other person or Persons whatsoever, and if Such commanding Officer, commissary, or Doctor, or any of them, Shall nevertheless presume to Trade with the Indians there, He or they so offending Shall respectively Forfeit the Sum of Fifty pounds to his Majesty his heirs and Successors, and if any under officer, Drummer or Private Soldier, Shall presume so to Trade, all the goods wherewith He or They so Trade, or have so Traded for, Shall be Immediately Seized by the Said commissary or Commanding officer, or any of the Traders, and be Forfeited to his Majesty his heirs & Successors, to be recovered & applyed as herein after is Directed, and if the Said commissary, or in his absence the commanding officer, Shall presume to Compromise any of the offences Against this Act, whereby the Facts might be Stifled, He Shall be Liable & Forfeit the Same Fine or Penalty, to which the Party is or was Subject to, for the offence so compromised or made up with him, & Such making up Shall in no wise Exempt the offender from the Fine or Penalty Incurred by him.

AND be it further Enacted by the authority aforesaid, That all & every the Fines, Penalties & Forfeitures above Mentioned and not otherwise Provided for by this Act, Shall & may be recovered by the Said Commissary, or any other Person or Persons, in any Court of Record within this Colony, by Bill Plaint or Information, wherein no Essoyn Protection or wager of Law, or more than one Imparliance Shall be allowed, one half whereof, To & for the use of the Person that Shall Sue for, and prosecute the Same to Effect, and the other half to and for the use & Support of the Trading House at Oswego.

AND be it further Enacted by the authority aforesaid, that if the Said commissary so appointed, & Intended to be appointed to reside at Oswego, or any of the before named commissioners or any other Person or Persons, Shall be Sued for what he or they, Shall do in the Execution of this Act, He or they may plead the General Issue, and give the Special matter in Evidence, for his & their Excuse and Justification, and if the Plaintiff or Plaintiffs Shall be Nonsuited Discontinue, or withdraw his or their action or actions, or if a Verdict pass against him or them, the Defendant or Defendants Shall recover & be allowed by the Court where Such action or actions, Shall be brought or Tryed, his or their Treble Costs, which he or they Shall have



Sustained, by reason of his or their wrongfull Vexation, in Defence of Such action or actions, for which the Defendant or Defendants Shall have like Remedy, as in other Cases where Costs are given or allowed to Defendants.

AND Whereas the Six Nations of Indians have often as well in their Publick Treaties as otherwise, desired that no Rum might be carryed to their Country, by reason it makes their young Men unruly, and prevents their going to Hunt for Beaver, and it being Justly apprehended, that the carrying Strong Liquors among Them for Sale, may one time or other be attended with very Pernitious consequences. Be it Enacted by the Authority aforesaid, that if any of the herein before mentioned Traders, or any other Person or Persons whatsoever, Shall Sell to the Six nations of Indians, in their respective countries, Shall for every Such offence Forfeit the Sum of Twenty Pounds, to his Majesty his heirs and Successors, To be recovered upon the oath of any one Credible witness and applied in the manner herein mentioned.

AND WHEREAS the General Assembly being very desirous to Support the Said Trading House at Oswego, and to Victual those Troops Posted there, in a good & certain manner, have made a Contract or agreement, with Johan Joost Herkemer, Henry Renselaer, John Harmanus Wendel, and Gerret Abraham Lansingh, in manner following, to wit. That the Said Johan Joost Herkemer, Henry Renselaer, John Harmanus Wendel, and Gerret Abraham Lansingh, for & in consideration of the annual Sum of Four Hundred & Fifty Six pounds Current money of this Colony, have undertaken for the Term of two Years, to commence from the first Day of November next, To deliver timely & at proper Seasons At the Said Trading House at Oswego, unto the commanding officer Posted there for the time being, in each of the aforesaid years, at the Sole cost & Charges of the Said, Johan Joost Herkemer, Henry Renselaer, John Harmanus Wendel, and Gerret Abraham Lansingh, the following quantities of good sound and wholesome Provisions, which are Esteemed Sufficient to Victual the usual Number of Troops, Posted or to be Posted there, for the Term of Fifty two weeks, that is to say.

Wheat meal one Hundred and Fifty Six Bushells.

Peas one Hundred and Seventeen Bushells.

Indian Corn Thirty nine Bushells.

Pork Three Thousand two Hundred and Twenty four pounds.

Beef Four Thousand Eight Hundred and Thirty Six pounds.

Rum one Hundred and four Gallons.

Sugar one Hundred and four Pounds.

And Candles of Eight & Ten in a pound, one Hundred & four pounds.

And the Said commanding officer is upon his receiving the aforesaid Provisions in each of the Said Two Years, to give a Certificate of the receipt thereof, wherein is to be mentioned the Particular Quantities and Species, and the time when the Same are so Received, which Certificates are to be Vouchers to the Said Victuallers, of their having performed Such part of their Contract.

AND for the annual relief of the before mentioned Troops, to consist of Twenty Five men and a Doctor, They the Said Victuallers, are to Furnish at the Town of Schenegtade, at Such proper time and Season, as the Governour or commander in Chief for the time being, Shall think fit, To order & direct, In each of the Said Two years, at their own Proper Costs & Charges, the Following Species and quantities of good Sound and wholesome Provisions, that is to say.

Brown Bisquit one Thousand and Fifty pounds.

Peas Thirteen Bushells and a half.

Pork Seven Hundred and Fifty pounds

and Rum Twelve Gallons.

Out of which the Troops going up to Relieve the others at Oswego, are to be Subsisted at Schonegtade, the remainder to be carryed with them to Oswego, and out of it to be taken, So much as will Subsist the Relieved Troops to Schonegtade, and the Remainder (if any be,) Left at Oswego, of all Which a Certificate is to be given by the Commanding Officer in manner as aforesaid.

That in case the Said Victuallers deliver any kind of Fresh meat at Oswego, They are to be at the Sole Cost & Charge to Furnish cask to put it in & Salt to preserve the Same, and to cause the Same to be well preserved, so that it may hold good & sound a whole year, and all other Provisions to be delivered by Them, or any of them to be good in their kind, & keep good and sound during the Said Space of Time.

That they Shall also provide, at their own proper cost & charge, Cags to put the Rum in, and baggs to Transport the



meal, Peas, Corn, Sugar & Bread to Oswego, during the Said Two years,

That they Shall Likewise, annually during the Said two years Furnish at their own Charge, a Sufficient number of Battoes, not only to Transport the Said Twenty Five Men & Doctor, together with their Baggage, But Likewise provide two able Men, to assist in going to & coming from Oswego.

That they Shall also annually, during the Said two years, provide at their own proper Cost & Charge, Waggon to carry the Baggage of the officer, Soldiers and Doctor, from Albany to Schenectade, and in like manner from Schenectade to Albany, when they are Relieved as aforesaid, and also to find Sleds or other Carriages to Transport the Said Battoes & Baggage, over the carrying Places, forward & Backward, allways provided, that the Soldiers march on foot, between Albany and Schenectade, and over the Carrying Places.

That all other Costs & Charges, which Shall arise or may be required to Transport the aforesaid Provisions, Men & Baggage, Either by Land or Water from Albany & Schenectade, to Oswego, and back as aforesaid, Shall be altogether born by the Said Victuallers & paid by Them, and that in case either a Warr Should break out, between the Crowns of great BRITAIN, and France, or that the Troops Should be withdrawn, from Oswego, before the Expiration of the Said two Years, Then this Contract from thence forward Shall cease and determine, whenever either of the Said Cases Shall happen.

And the Said Victuallers are obliged either to give Bond with Sufficient Sureties, or enter into Recognizances with the like Sureties for the Due performance of all the Particulars, undertaken to be performed on their Parts.

AND for as much as it is conceived that the Said contract will fully answer the Ends proposed by it, Be it Enacted by the authority Aforesaid, that the Same & Every part thereof, Shall be & hereby is Ratified and confirmed, to all Intents and Purposes whatsoever, and the Said Victuallers are hereby required, to Enter into Such Recognizances as is before Mentioned, before the Commissioners aforesaid (who are hereby authorized to take the Same) within Forty Days after the Publication of this Act.

And in as much as Beef & Pork by its being Salted Looses considerably in its weight, Be it Enacted by the authority afore-

said That of Beef and Pork, to be Issued weekly to the Troops at Oswego there Shall be no more allowed than Fifteen ounces for every pound.

AND be it further Enacted by the authority aforesaid, that out of the money to arise by Virtue of this Act, the Sum of Five Hundred & Eighty one pounds, Shall be annually paid and applied for the Term of Two years, from the first day of November next, to the first day of November, which Shall be in the Year of our Lord one Thousand Seven Hundred & Forty two, for the uses and Purposes Aforesaid, in manner hereafter Mentioned (That is to say)

To Johan Joost Herkemer, Henry Renselaer, John Harmanus Wendel, and Garret Abraham Lansingh, on the performance of the aforesaid Contract, the Annual Sum of Four Hundred & Fifty Six pounds, which Said Sum of Four Hundred & Fifty Six pounds, is to be paid half yearly, to the Said Contractors, during the continuance of this Act.

To a Doctor to Reside & attend on the Troops at Oswego, Yearly a Sum not Exceeding the Sum of Forty Five pounds.

To the Doctor for Medicines for each year, not Exceeding the Sum of Ten pounds.

For Incidents to be paid by the Commissioners of the Oswego Duty and to be accounted for by Them, a Sum not Exceeding the Sum of Twenty pounds.

To a Commissary for Inspecting & Regulating the Traders at Oswego, during the Trading Season there, not less than Four Months, between the Months of April & August, Fifty pounds, which Several Articles do amount in all to Five Hundred & Eighty one pounds.

AND be it Enacted by the authority aforesaid, that the Treasurer of this Colony, Shall out of the money to arise by this Act, Pay & discharge all Such warrants as Shall be Issued in council by virtue thereof, to such Person or Persons, as the Same Shall be made Payable to by this Act, and proper receipts being Endorsed thereon by Such Person or Persons, Shall be good and Sufficient discharges in the Law, to the Said Treasurer for so much as Shall be mentioned and Expressed therein.

AND whereas there was an Extraordinary Detachment of Twenty private Soldiers a Serjeant Corporal and Drummer, sent to Oswego, last fall, & remained there until the month of May last, by reason whereof an Additional quantity of



Provisions was required to Victual Them during that time, and Mr. Henry Van Renselaer having undertaken & actually delivered at Oswego, at his own Cost for the use of the Said Detachment, the Species & quantities of Provisions & all other necessarys usually allowed to the other Troops Posted there, Be it Enacted by the Authority aforesaid, that there Shall be paid out of the Oswego Duty, to the Said Mr. Renselaer after the Contracting Victuallers Shall be paid for the first two half Years, the Sum of Two Hundred Pounds in full for the Provisions & necessarys above Mentioned, as likewise of an account for carrying up Captain Butler &c amounting to the sum of Thirteen pound Eighteen Shillings & Six pence.

BE it likewise Enacted by the Same authority that there Shall be paid to the Said Henry van Renselaer and Company, for Carrying Powder from Albany and delivering the Same to the Said Trading House at Oswego, the Sum of Eight pound Twelve Shillings.

AND be it further Enacted by the Authority Aforesaid, That of all the Several & Respective Sums of money, which the Said Treasurer Shall receive and Pay, by virtue of this Act, He shall keep Exact & distinct Books, and render true accounts thereof, upon oath, to the Governour for the time being, to the council or to the General Assembly when by them or any of them thereunto required.

AND be it further Enacted by the authority aforesaid, that if on the first day of November, in this present year, one Thousand Seven Hundred & Forty, there Shall remain any overplus of the money raised by the Duties Imposed by any Former Acts of the General on the Trade of Oswego, the Same Shall be Employed for and Towards the Payment of the Charges in this act before Mentioned; and if it appears that there is any Deficiency, or that the Sums Imposed by the Said Former Acts of the General Assembly have not been Sufficient to defray the charges in the Said Acts Mentioned, the same are to be Supplied, out of the Monies as Shall arise by this Act, any Law usage or Custome to the contrary hereof in any ways notwithstanding.

AND be it further Enacted by the Same authority, that all recognizances Entered into, as likewise all Bills & Bonds Executed for Duties of Rum or Stronds by Former Acts, which may remain unpaid, are hereby declared to be in full Force & virtue, to all Intents constructions and purposes what-

ever, notwithstanding the Expiration of the Acts, whereby the Said Duties have been Imposed, and all such Recognizances, Bills & Bonds, and likewise those to be taken by virtue of this Act, as Shall not be Duly discharged, the Said Commissioners are hereby required authorized and Impowered, either to put the Same in Sute, or to Send them to the Attorney General for that purpose.

AND be it further Enacted by the Same authority that if the Duties hereby appropriated, for the use herein before Mentioned, Shall at the Determination of this Act, Exceed the Cost and charge of the Supporting the Troops & house at Oswego & the contingencies attending the Same, During that time, all Such overplus Shall be Employed for & towards Repaying the money formerly borrowed from the Excise for that use, as by Act or Acts of the General Assembly, hereafter to be passed for that purpose, Shall be ordered & directed, anything herein to the contrary thereof notwithstanding.

WHEREAS, it is represented That the Schagkook Indians have in their Publick Speeches desired that no Rum, might be Sold to them at or near their Castle; and that the Farmers Living there abouts, are not less desirous of it, because they, often Sustain considerable Damages from the Said Indians, when they are Intoxicated with Strong Liquors

BE it therefore Enacted by the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That every Person & Persons, who shall presume to Sell or dispose of any Rum or other distilled Liquors, during the continuance of this Act, to any Indian or Indians within Four miles distance round the church at Schagkook, Shall for every Such offence Forfeit to his Majesty, his heirs and Successors, the Sum of Twenty pounds current money of this Colony, to be recovered in any Court of Record within the Said Colony, one half whereof to the person or persons that Shall Sue for and prosecute the Same to Effect, and the other half to be Pay'd to the Treasurer of this Colony, to & for the Support of the Trading House at Oswego.

AND be it further Enacted by the authority aforesaid That this Act Shall be and remain in Force from the first day of November in this present year of our Lord, one Thousand Seven Hundred and Forty, until the first day of November which will be in the year of our Lord one Thousand Seven Hundred and Forty two.



## [CHAPTER 705.]

[Chapter 705 of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 25, 1743.]

An Act for the better Relief of the Poor  
in Dutchess County.

[Passed, November 3, 1740.]

WHEREAS the Inquest and Burial of Persons coming to Accidental Deaths in the Said County, and Leaving no Estate to Defray the necessary Expence thereof; and that the Relieving of the Poor in the Same County, hath often fallen a heavy Burden upon Some Perticular People, by reason the Supervizors of the Said County declined to allow the Same as a proper county charge, upon a notion That the Act Intituled an Act for Defraying the Publick & necessary Charge Through out this Province, and for maintaining the Poor & preventing Vagabonds, did not give Them Sufficient Power & authority so to do, For Remedy of which Inconviences.

BE it declared & Enacted by the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the authority of the Same, That when an Inquest & Burial Shall happen in the Said County, of Persons coming to Accidental Deaths, who Leave no Estates or Effects out of which the same can be discharged, or that any Poor Living & Residing in the Said County, Shall Stand in real need of Relief, application Shall & may be made to the Sessions of the Peace to be held for the Said County, and if it appears to the Justices then convened, That in either of the Cases above Mentioned, Propper Provision ought to made and Such Provision as They or the Major Part of Them Shall thereupon Judge really Just Reasonable and necessary & within the Bounds of Moderation, They are to Certify under their hands to the Supervizors of the Said County for the time being & the Same being produced to Them at their Annual meeting, They are to ad, the Perticulars thereof to the County Rate of the aforegoing Year, and to cause the Same to be Levyed & Collected therewith and to order the Treasurer to make Payment of Such allowances as in & by Such Certificates as aforesaid Shall be Certifyed & Directed, any former usage or Practice in the Said County to the contrary hereof notwithstanding.

AND to prevent disputes which may arise concerning the matters aforesaid, which may have heretofore happened in Said County, Be it Enacted by the Same Authority, That neither the Justices in their Sessions or the Supervizors at their meeting, Shall allow of or Provide for any Claimes whatever for any of the Matters herein before Mentioned, which have accrued or happened in the Said County before the commencement of this act.

BUT if any Particular Places or Precincts in the Said county are in arrear of any Former Taxes, They Shall nevertheless be obliged to discharge Such arrears Respectively uppon Warrants to be Issued for that Purpose in the Sessions of the Peace under the hands & Seals of the Justices then convened.

THIS ACT to be & Remain of Force from its Publication, To the Twenty Fifth day of December, which will be in the Year One Thousand Seven Hundred & Forty Three

[CHAPTER 706.]

[Chapter 706 of Livingston & Smith and Van Schaack, where the title only is printed. Expired September 1, 1741.]

'An Act to apply the Monies granted for the Support of this Government, in Payment of the Several Sallaries and other allowances, until the first day of September, one Thousand Seven Hundred and Forty one.

[Passed, November 3, 1740.]

BE it Enacted by his Honour the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Treasurer of this Colony, Shall be and hereby is Impowered & Required, as well out of the Monies to arise by virtue of an act, Intituled an act, for Emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this colony, and other Purposes therein Mentioned, Passed in the Eleventh year of his Majesties reign, as out of the Monies to arise by the Duties & Impositions granted by an act, Intituled an Act Towards the further Supporting the Government of this Colony, until the first day of December which will be in the year, one Thousand Seven Hundred and Forty, by continuing the Duties granted & continued by the Two Acts therein Mentioned Passed



in the Thirteenth year of his Said Majesties Reign, and also out of the Monies to arise by Virtue of an Act, Intituled an Act, for & towards Supporting the Government of this colony, by granting to his MAJESTY the Duties therein mentioned from the first day of December One Thousand Seven Hundred & Forty, to the first day of December, one Thousand Seven Hundred & Forty one, passed in this present Sesions, to pay the Several Sallaries & allowances following, in the manner hereafter directed. viz't.

TO the Lieutenant Governour for his administring the Government of this Colony from the first day of September last, to the first Day of September which will be in the Year of our Lord one Thousand Seven Hundred & Forty one, The sum of Thirteen Hundred Pounds, and after that Rate if by death, or otherwise the Said administration Should not remain vested in him so long as to the time last mentioned.

To the Said Lieutenant Governour or Commander in Chief for the time being after the Thirteenth of June next, the Sum of Four Hundred Pounds, For providing & Furnishing the Fort & Garrison in NEW YORK with Fire Wood & candles from the Thirteenth of June one Thousand Seven Hundred & Forty one, To the Thirteenth of June which will be in the Year of our Lord, one Thousand Seven Hundred & Forty Two.

TO James De Lancey Esq'r as Chief Justice of the Supream Court of this Colony, and for his going the Circuits in the Several Counties thereof, from the first of September Last, To the first of September, which will be in the year of our Lord One Thousand Seven Hundred & Forty one, The sum of Three Hundred Pounds, and after that Rate if by Death or otherwise He should not hold that Post, so long as to the time last Mentioned

TO Frederick Phillipse Esq'r as Second Justice of the Supream Court and for his going the Circuits from the first of September last, To the first of September which will be in the Year of our Lord, one Thousand Seven Hundred & Forty one, The sum of one Hundred Pounds, and after that rate if by Death or otherwise, He should not hold that Post so long as to the time last mentioned.

TO Daniel Horsmanden Esq'r as Third Justice of the Supream Court and for his going the Circuits when there Shall be occasion for the Same, from the first of September Last, To

the first of September which will be in the Year of our Lord one Thousand Seven Hundred and Forty one, The Sum of Fifty Pounds, and after that Rate if by Death or otherwise, He should not hold that Post so long as to the time last Mentioned.

To the Commissioners of Indian Affairs at Albany, for their Disbursements & Expences respecting the Six Nations & other Indians in the Brittish Interest, and for Presents, to be made by them, as occasion may Require for the Publick Service of this Colony, from the first of September Last, To the first of September which will be in the Year of our Lord one Thousand Seven Hundred & Forty one The Sum of one Hundred & Seventy Pounds.

To Captain Stephen Van Renselaer for Furnishing the Several Garrisons in the City and County of Albany, with Fire wood and Candles from the Thirteenth of June Last past, To the Thirteenth of June which will be in the Year of our Lord one Thousand Seven Hundred & Forty one, The Sum of Two Hundred Pounds.

To Lawrence Clausen the Indian Interpreter for his Sallary & for all other Services that He has been, or may be directed to do by the Governour, or the commissioners of Indian affairs, from the first of September Last past, to the first of September which will be in the Year of our Lord one Thousand Seven Hundred & Forty one, The Sum of Ninety Pounds, and after that rate if by Death or otherwise He should not perform that Service to the time last Mentioned

To the Secretary of this Colony for the time being for Enrolling & Engrossing the Acts of General Assembly, from the first of September last, To the first of September which will be in the Year of our Lord one Thousand Seven Hundred & Forty one, The sum of Thirty Pounds.

To the Clerk of the Council for the time being for his Service and attendance on the Council, during the Sitting of the General Assembly and for all Publick Services performed or to be performed by him in that Station, from the first of September last, To the first of September which will be in the year of our Lord one Thousand Seven Hundred and Forty one, The Sum of Thirty Pounds.

TO Samuel Heath the Land & Tide Waiter of the Collony Duties, or to the Land & Tide Waiter for the time being, from the first of September Last, To the first of September



which will be in the year of our Lord One Thousand Seven Hundred & Forty one, The Sum of Thirty Pounds.

TO John Kip for his Service as Guager of Licquors Subject to Duty in this Collony, or to the Guager for the time being from the first of September last, To the first of September which will be in the Year of our Lord one Thousand Seven Hundred & Forty one, The Sum of Thirty Pounds.

TO the Door Keeper of the Council for the time being, for all his Services in that Station, from the first of September Last to the first of September which will be in the Year of our Lord, one Thousand Seven Hundred and Forty one, The Sum of Twenty Pounds.

TO George Duncan Clerk of the General Assembly, or to the Clerk for the Time being, as well for all his Service in that office, and all other Incidents to it, as for Engrossing all Publick Acts from the first Day of September last, To the first Day of September which will be in the Year one Thousand Seven Hundred & Forty One, at the Rate of Twelve Shillings per Diem upon a Certificate of the General Assembly Signed by the Speaker for the number of Days which He has Served or may Serve in each Session.

TO Alixander Lamb Door Keeper of the General Assembly, or to the Door Keeper for the Time being, from the first Day of September Last, To the first Day of September which will be in the Year, one Thousand Seven Hundred and Forty one, at the Rate of Five Shillings per Diem, upon a Certificate from the General Assembly Signed by the Speaker for the Number of Days, He has attended that Service in each Session, out of which Sundays are to be Deducted.

TO William Bradford as Publick Printer of this Colony, for Printing the votes, Proceedings & acts of the General Assembly, and Delivering a Sett of the Said Acts to each of the Members and to each Councillor, as likewise to each of the County Clerks for the use of the County, and for Printing Proclamations, and all other publick Acts of the Government, From the first of September last to the first of September which will be in the Year One Thousand Seven Hundred and Forty one, after the Rate of Fifty Pounds per annum.

TO Abraham De Peyster Esq'r Treasurer of this Collony for all the Services which he has, or Shall perform in that Office from the first of September last, to the first of September

which will be in the year One Thousand Seven Hundred & Forty one, The Sum of Two Hundred Pounds.

To his Honour the Lieutenant Governour to and for the use of Mr. Secretary Clarke, the Sum of Thirteen pounds Seventeen Shillings & one penny half penny, advanced by him, in Soliciting the Trianial Bill, on behalf of this Colony, And a Receipt of the Said Lieutenant Governour for the Same Shall be a good discharge to the Treasurer for the said Sum of Thirteen Pounds Seventeen Shillings & Penny half penny.

TO Sybrant Van Schaik for himself the Smith & others who by order and for the Service of this Government have Resided in the Senecas Country from the first of September one Thousand Seven Hundred and Thirty nine, To the first of September one Thousand Seven Hundred & Forty in order to Secure and retain the Said Indians in the Brittish Interest, and to prevent the French from Settling among Them, The Sum of Eighty Pounds, [and the Receipt of the Said Sybrant Van Schaik Shall be to the Treasurer a good discharge for the Said Sum of Eighty Pounds.]

TO the Reverend Mr. Henry Barclay for his Extraordinary Care Industry & Dilligence in Instructing the Indians in the Christian Religion, and thereby confirming of Them in the Brittish Interest, The Sum of Twenty Pounds, whose Receipt for the Same Shall be to the Treasurer, a good Discharge for the Said Sum of Twenty Pounds.

TO George Duncan Clerk of the General Assembly for his Extraordinary Services in this & former Sessions of Assembly, The Sum of Six pounds whose Receipt for the Same Shall be to the Treasurer a good discharge for the Said Sum of Six pounds.

TO Alixander Lamb for several disbursements made by him as well for mending the Glass Windows & other repairs in the Assembly Chamber, as for Providing Fire Wood for the use of the General Assembly the Sum of Three pounds Seventeen Shillings whose Receipt for the Same Shall be to the Treasurer a good Discharge for the Said Sum of Three Pounds Seventeen Shillings.

To Jan Wemp for the Building of Two Centry Boxes on the Fort in the Mohauks Country, and a Chimney in the Kitchen of the Said Fort, for providing Iron for the Gate & making Barrs for the Windows thereof, the Sum of Ten pounds, whose Receipt



for the Same Shall be to the Treasurer a good Discharge for the Said Sum of Ten pounds.

AND for the due & orderly Issuing the Monies hereby directed for Payment of the Several Articles allowed in this Act From the first of September Last To the first of September one Thousand Seven Hundred & Forty one. BE it Enacted by the Authority Aforesaid, that the Same Shall be in manner following, that is to say.

The Article of Thirteen Hundred Pounds to the Lieutenant Governour, The Articles to the Chief Justice, to the Second & Third Justices of the Supream Court, To the Indian Interpreter, To the Secretary, to the Clerk of the Council, To the Land and Tide Waiter, To the Guager, To the Printer, and to the Door Keeper of the Council, Shall be upon Warrants, to be Issued Quarterly Sign'd by the Lieutenant Governour or Commander in chief for the time being in Council by & with their advice & Consent and the following Allowances & Articles viz't. For Fire Wood & Candles for the Garrisons in New York & Albany and to the Commissioners of Indian Affairs at Albany, Shall be upon the Like Warrants to be Issued in Council after the Thirteenth of June next Ensuing.

BE it Enacted by the Same authority, That every such Warrant and Warrants as aforesaid, Issued at the Time & Times above Mentioned for the Respective Sum & Sums allowed by this Act, Shall be pay'd by the Treasurer out of the Money hereby Apply'd for that Purpose, to the Person & Persons to whom the Same Shall be made Payable or to his or their assigns, and his or their Receipts being Endorsed thereon, Shall be To the Said Treasurer a good Voucher & Discharge in Law for so much as thereby Shall be acknowledged to have been received, Provided the same do not Exceed the respective Sum or Sums allowed in this Act.

BE it Enacted by the Authority aforesaid, That if the Lieutenant Governour Should Die, or be Superceeded in the Administration of this Government or any of the above Mentioned officers Should happen to Die or be Removed from their Respective Offices before the first Day of September which will be in the Year one Thousand Seven Hundred & Forty one Warrants may Issue in Council in manner as Aforesaid for so much out of the Respective Sum or Sums Allowed in this Act, as at the Time of Such Death Supercedure or Removal, Shall

**Bona Fide** be due to him or Them, and if Such Warrant or Warrants do not Exceed what may really be in Arrear at Such Time or Times, the Treasurer is to Pay the Same to him or Them respectively, or to his or their Executors, Administrators, or Assigns, and the Remainder of Such allowance or allowances is to be kept in the Treasury, till disposed of by Act or Acts to be Passed for that Purpose.

BE it Enacted by the Same Authority That if by mistake or otherwise, any Warrant or Warrants, might Issue in manner as Aforesaid, not provided for in this Act, or Exceeding any of the Sums allowed in it, and that the Same Should be Tendred for Payment to the Treasurer, it Shall be Lawfull for him, and he is hereby required not to Pay the Same; and if any Action Should be brought against Him for Refusing to Pay Such Warrant or Warrants, He may plead the General Issue, and give this Act & the Special matter thereof in Evidence, and if the Plaintiff discontinue his action, be non-suit or a Verdict pass against him, The Said Treasurer Shall recover Treble Cost of Suit, as in Cases where Costs by Law are allowed.

BE it further Enacted by the Authority Aforesaid, That the Said Treasurer, Shall Pay unto the Clerk and Door Keeper of the General Assembly, so much as by this Act is allowed to Each of Them, upon their Producing to him Such Certificates as herein before Mentioned, and their Respective Receipts Endorsed on Such Certificates Shall be to him a good Voucher and Discharge for so much, as Shall thereby be acknowledged to have been Received Provided the Same do not Exceed the rate hereby directed to be allowed to each of Them, and the Sallary of Two Hundred Pounds allowed in this Act, to the Said Treasurer, for the Service performed and to be performed by him, from the first of September Last, To the first of September which will be in the year one Thousand Seven Hundred and Forty one, Shall be a good discharge to him for so much in his Accounts.

BE it Enacted by the Authority Aforesaid, That when the Several Articles allowed in this Act, Shall be Payd & discharged out of the Monies hereby applyed for it, all the Remainder of the Said Monies Shall be kept in the Treasury, until the Same Shall be Applyed and disposed of For the Support of this Government, by Act or Acts hereafter to be Passed for that Purpose.



AND be it further Enacted by the Authority Aforesaid that the Treasurer Shall keep Exact Books of the Several Payments, which He is by this Act directed to make, and to Render True Accounts thereof upon oath, To the Lieutenant Governour, or commander in chief for the time being, To the Council or to the General Assembly, when by Them, or any of Them thereunto Required.

## THE TWENTY-SECOND ASSEMBLY

*Sixth Session.*

(Begun Apr. 14, 1741, 15 George II. George Clarke, Lieut. Governor.)

### [CHAPTER 707.]

[Chapter 707 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for the better Fortifying of this Colony and other the Purposes therein Mentioned.

[Passed, June 13, 1741.]

WHEREAS the great Number of Cannon, and the Large quantity of other Stores of Warr which his Majesty has Graciously been pleased to order for the use of this Colony, do's of the one hand Excite our Real & gratefull acknowledgement of his Royal care for our Security & Defence, and of the other hand, affords Strong apprehensions, That a Rupture is like to happen with a Power more Capable, to annoy this Colony, than that with which his Majesty is in Actual Warr at present.

AND whereas the General Assembly conceives it highly Necessary, more Especially for the reasons Aforesaid, to put the Colony in a better Posture of Defence for its Security in all Events, by amending our Present Fortifications, and Erecting New Batteries & Platforms on which the Said Cannon may be Placed, for the Purpose they are Intended; and at the Same time to Erect Such Buildings as are more Immediately wanting in Stead of those which lately had the Misfortune to be Burnt down in Fort George.

But as the Difficult Circumstances of the Colony, added to the Great and General Loss which the Inhabitants thereof have Sustained During the Late Extraordinary Seveer and Long

Winter, make the Said Colony, (how much Soever they have at heart to accomplish the Several matters aforesaid,) altogether unable to perform, Unless it be done by the means and in the manner herein after Mentioned.

THE Said Assembly do therefore humbly pray that it may be Enacted and be it Enacted by his Honour the Lieutenant Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same That to and for the Purposes herein after Mentioned, and to & for no other use or purpose whatever, one Act of General Assembly, Intituled an Act to Lay a Duty of Tonage on the Vessells and for the time therein Mentioned passed in the Eighth year of his present Majesties Reign and by a Subsequent Act continued of Force until the first Day of July which will be in the year one Thousand Seven Hundred & Forty four, Shall be, and hereby is further continued to be & Remain of Force, and every article matter and thing contained therein, until the first Day of July, which will be in the year, one Thousand Seven Hundred and Fifty one.

AND whereas the Secretarys office (as well as Several other Stately Buildings in his Majestys Fort George in the City of New York) has lately been consumed & Burnt down by a very Dreadful Fire, and it being highly necessary to build Such another office in a more convenient Place and Form, Less liable to the like accident, as well to Reposite & preserve the Publick Records of this Colony in, as for Transacting the publick affairs which properly appertain to the Said office. BE it Enacted by the Authority aforesaid, That there Shall be allowed and that there Shall be paid by the Treasurer of this Colony out of the Funds herein after Mentioned, the Sum of Two Hundred & Sixty Pounds, for Building Compleating and Finishing in Such part of the East Ward Side of the Garden adjoining to the Said Fort, as the Lieutenant Governour or Commander IN Chief for the time being, Shall approve of, a New Secretarys office, not Less than Forty two feet Long, Twenty Feet wide, and one Story of Ten feet high, with a Chimney in the Middle arched with Iron and Bricks fit for two Fire Places; and the Beams to be not Less than nine Inches by Seven, at a proper Distance fit for Ceeling.

AND whereas John Roosevelt Esq'r has offered & undertaken to Erect Such a Structure as aforesaid, and to Pro-



vide at his own Proper Cost all Manner of Materials & Workmanship, not only for Building it, but likewise to Partition the Same into Two Rooms and an Entry, and to make a writting Desk and Benches in each of Them, as likewise a Sufficient number of Shelves with Drawers or Boxes between Them, as well to put Publick Papers in, as to Remove them Speedily without Loss in Case of Accidents; allso to put Four Sashes of good Glass with Shutters in the two Rooms and a proper Light over the Door, if Judged needfull; Ceader Gutters all round the Building of which the Front one is to be a Cornish Gutter; and Trunks to convey the Rain Water into the Street; to Paint all the Wood Work, without and within in the usual manner, to Cover the Roof with Pantiles or Shingles, to Lay the hearths with one Row of Bristol Stones, and the back part with Bricks on their Edge; and in General to Furnish all necessary Iron Work Locks & Hindges, and to Finish both the outside and the Inside workman Like to the Turning of the Key, in Such manner as Shall be Directed & Approved of by the Said Lieutenant Governour or Commander in Chief for the time being, and the present Members of the General Assembly, for the City & County of New York, or the Members thereof for the time being, or the Major part of Them: Excepting nevertheless, that he Shall have the Liberty to make use of so many of the Bricks of the Ruins of the old Building in the Said Fort as are proper or Necessary for Building of the Said office. And an agreement being accordingly concluded between him and the Said General Assembly, Be it Enacted by the Authority aforesaid, That the Said Contract Shall be and hereby is Confirmed, and that upon the Performance of Mr Roosevelts part thereof, there Shall be paid to him by the Treasurer of this Colony the above Mentioned Sum of Two hundred and Sixty Pounds in manner following, That is to Say, one third thereof when the Foundation is carry'd to the height of the Ground Floar; one other third when the Roof is cover'd, and the Remaining Third when all is Finish'd in manner as aforesaid, to be Certify'd under the hands of the Said Lieutenant Governour and the Said Members or the greater Number of Them.

BE it Enacted by the authority aforesaid, that before any Part of the Sum above Mentioned Shall be Paid to the Said Mr. Roosevelt, He and two Sufficient Sureties, Shall Enter into the following Recognizance to our Sovereign Lord the King

his Heirs and Successors, before one of the Justices of the Supream Court; That is to Say, Himself in the Sum of Two Hundred & Sixty pounds, and each of the Surety's in half that Sum; Conditioned that he shall well and Truely build Compleat and Finish the Said Secretarys office According to the Directions and true Intent & meaning of this Act; which Recognizance Shall be Delivered by the Justice before whom its acknowledged, to the Treasurer of this Colony, and by him Lodged in the Treasury.

AND whereas by the Fire before Mentioned all the Barracks in Fort George were Likewise consumed, and it being Reasonable & Requisite to make other Suitable Conveniences, as well to accomodate his Majesty's Troops posted in this City, as for Keeping guard in, and for Housing & Securing the Small Stores of Warr which his Said Majesty has ordered for the use of this Colony.

BE it Enacted by the Authority Aforesaid, That there Shall be Erected in the West Side of Said Fort George a new Barrack of the same Length & Breadth as the old one was which Stood on that Spot, of two Stories high and that it be Divided into So many Rooms & Fire places, as Shall be approved of by the Said Lieutenant-Governour, or Commander in Chief for the time being; The Stories to be no higher, than between Six & Seven feet under the Beams. The partitions of the Rooms, to be one Bricks Length in thickness; every Chimney to be Arched with Iron and Bricks, and all the Hearths wide to prevent Fire, The Roof to be no Steeper than is necessary to make it Tight and to carry off Rain Water; and one or Two dormant Doors in the West Side of it for Receiving and Issuing of his Majestys Stores; and that all the Hindges and other Iron Work which is Saved of the Former Barracks, as likewise the Bricks of the Ruins in the Said Fort, Shall and may be Employed & made use of for and towards Building of the Barrack above Mentioned.

BE it Enacted by the Authority aforesaid that for & towards the Purchasing and Paying of all other Materials and Workmanship necessary to begin carry on compleat and Finish in a Substantial but plain manner the Barrack before Mentioned, There Shall be allowed, and that there Shall be paid by the Treasurer of this Colony, out of the Funds herein after Mentioned a Sum not Exceeding the Sum of Nine Hundred Pounds,



To be Employed in the manner and by the Commissioners herein after named and appointed for that Purpose.

AND whereas it is conceived that if an Enemy Should make an attempt upon this City by a naval Force, a good Battery upon and near the Flat Rock behind Fort George would very much Annoy Them, and at the Same time be able to Flank the Battery already Erected on Copsy Rocks. Be it therefore Enacted by the Authority aforesaid, That a good & Proper Battery, on which about Twenty great Guns, can be mounted, Shall be Built and Erected on and near the Said Flat Rock, in Such Form as Shall be Judged most conducive for the Service it is Intended, and at a Sufficient distance from the River, That a proper Space may be Left for a Passage between Them, The Merlons to be made of Sods & of a Sufficient thickness. The floor to be plankt, and at the Inward Side a Beam or Scantling fixt to prevent the Guns from Recoiling beyond it in case of Action and that New Carriages be made for Such of the great Guns Lying in the Pasture near the Said Rock as Shall be found Serviceable & Judged Proper for that Service, Unless the Cannon does in the mean while arive which his Majesty has been pleased to order for the use of this Colony.

BE it Enacted by the Same Authority, That for & towards Erecting the Battery and Performing all the Several Services last Mentioned and the contingencies that may attend the Same, There shall be allowed, and that there Shall be Payd by the Treasurer of this Colony, out of the Funds herein after Mentioned a Sum not Exceeding the Sum of Six Hundred pounds, to be Employed in the Manner and by the Commissioners herein after named & appointed for that purpose

And whereas it is conceived that the ground already made in the Battery on the Copsy Rocks would not Afford Room enough for our People if we should have the Misfortune to be attacked by any number of Ships of War. Be it therefore Enacted by the Authority aforesaid, That there Shall be and hereby is allowed a Sum not Exceeding the Sum of one hundred and Seventy Six pounds for Filling up with Earth Sand or other proper Materials round the Inside of the Said Battery, the Space of Ten feet more than is filled up already. And a Sum not Exceeding the Sum of nine pounds Twelve Shillings for amending and Repairing the Floor thereof, and to Fix at the outside of the Said Floor a Beam or Scantling, to prevent the

Guns from Recoiling beyond it in case of action, which Said Two Sums Shall be Payd by the Treasurer of this Colony out of the Funds herein after Mentioned, and be Employed by the Commissioners herein after named and appointed, in Such manner as by this Act is & Shall be ordered and Directed.

AND Whereas it is further conceived that in case of Such an attack as aforesaid it would be Requisite to have Some works on the Inner part of the Battery on Copsy Rocks, as well to Clear it from an Enemy, as to Shelter our People who should be placed upon Duty there, Be it Enacted by the authority aforesaid That there Shall be Erected two proper Block Houses on the Said Battery, one at the East Side, and the other at the West Side of the Store House already Erected there; And that for Materials and Workmanship, to Build Cover & compleat the Same, there Shall be and hereby is allowed a Sum not Exceeding the Sum of Fifty pounds, to be payd by the Treasurer out of the Funds herein after Mentioned, and be Employed by the Commissioners herein after named & appointed in Such manner as by this Act is and Shall be ordered and Directed.

AND whereas it is likewise conceived that the great Guns on the Said Battery, as well as those Intended for a Battery on the Said Flat Rock, ought to be Proved (as they have not been made use of in a great many Years past) Least Some of Them Should wound or destroy Some of our own People in time of Action, Be it therefore Enacted by the Same Authority, That there Shall be, and hereby is allowed for Powder to prove all the Guns aforesaid by Loading & Fireing of Them with Such a quantity and in Such a manner as is usual upon Such Tryals, a Sum not Exceeding the Sum of one hundred & Twenty pounds; as likewise a further Sum not Exceeding the Sum of Twenty four pounds Ten Shillings, for the Cost & Charge of Removing the Said Guns to a Place proper for that Tryal, and for Replacing them to their Proper Places again: which Said two Sums, Shall be payd by the Treasurer of this Colony out of the Funds herein after Mentioned, and be Employed by the Commissioners herein after named & appointed in Such manner as in this Act is, and Shall be ordered & Directed.

AND to the End due application may be made of the Mony hereby allowed to and for the Several Uses & Services following, to wit, For new Barracks, For a Battery on the Flat Rock,



for filling up Ten feet more of Ground in the Battery on Copsy Rocks, and amending its Floar, For two Block Houses on Said Battery, For powder to prove the Great Guns, and for Removing and Replacing Them; amounting in all to the Sum of one Thousand Eight hundred & Eighty pounds two Shillings

BE it Enacted by the authority aforesaid. That John Cruger William Roome John Roosevelt, Esq's. and Cap't Henry Row, Shall be and Hereby are appointed Commissioners for managing the Several Matters aforesaid, and fully Impowered Authorized & Required by the advice, Direction and approbation, as aforesaid, To begin, carry on, compleat & Finish the Several Works & Services above Mentioned in the Manner herein before Directed, and to procure Materials at the Cheapest Rate, and to Employ able Workmen to perform the Same in the best & Speediest manner.

AND that the Said Commissioners may be Enabled so to do, Be it further Enacted by the Same Authority, That the Treasurer of this Colony Shall upon their application to him, Pay unto Them, the Sum of Four Hundred Pounds, and when that is Expended for the Said Services, a Like Sum of Four Hundred Pounds, and when that is so Expended the further Sum of Four Hundred Pounds and when that is so Expended the Sum of Four Hundred Pounds more, and when that is So Expended The Remaining Sum of two Hundred and Eighty pounds Two Shillings; and their Respective Receipts Shall be allowed good & Sufficient Vouchers to the Treasurer for the Same, Provided they do not in the whole Exceed the above Mentioned Sum of one Thousand Eight Hundred and Eighty Pounds two Shillings, and of the application and Disposition thereof the Said Commissioners are to keep Exact Books, and to Render True and Distinct accounts thereof upon oath, to the Lieutenant Governour or Commander in Chief for the time being, to the Council, and to the General Assembly, when by Them or any of Them thereunto Required

BE it nevertheless Enacted by the authority aforesaid, That no part of the Sum above Mentioned, Shall be paid to the Said Commissioners until They have Severally Entred into Recognizances, unto our Sovereign Lord the King his Heirs & Successors before one of the Justices of the Supream Court, Each in the Sum of Four Hundred and Seventy Pounds, with

Two Sufficient Suretys each in Half that Sum, Conditioned That he Shall and will well and Truly Apply & Employ the mony hereby Directed to be received by him, To and for the Several Buildings & other Services mentioned in this Act according to the True Intent meaning & Directions thereof; Which Recognizances are to be Delivered to the Treasurer by the Justice before whom the Same are taken in Order to be Lodged in the Treasury.

BE it further Enacted by the authority aforesaid, That if any of the before named Commissioners, Shall fail in Employing & applying the Mony to be Received by him in Pursuance of this Act, To and for the Several Uses therein Directed, or omit to observe do & Perform what is hereby further required to be observed done or Performed by him or Them; In Such case and Cases the Said Recognizances Shall be Proceeded upon in Due form of Law, against Such offender or offenders, and his or their Suretys in any Court of Record within this Colony, wherein no Essoin, Protection, Wager of Law, or more than one Impar lance Shall be Allowed; and the money to be Recovered in consequence thereof Shall be Payd into the Treasury of the Said Colony, and Applied to & for the Several Services before Mentioned.

AND that there may be no Failure in the Due Execution of this Act. Be it Enacted by the Same Authority, That if any of the before named Commissioners, Shall happen to Die, Remove out of this Colony, or refuse to Act according to the Several Powers & authority's hereby Directed & required to be done and performed by him or them, It shall and may be Lawfull to and for the Lieutenant Governour, or commander in chief for THE time being, by and with the Advice & Consent of his Majestys Council to nominate and appoint Some othar fit Person or Persons to be a Commissioner or Commissioners in the Place & Stead of the Commissioner or Commissioners so Dying Removing or refusing to Act as aforesaid, any thing herein contained to the contrary notwithstanding.

AND to Encourage the Said Commissioners to perform the Several Services hereby directed & Required to be done & performed by Them. BE it Enacted by the authority aforesaid, That it Shall be Lawfull for them to Retain for their own use out of the mony herein directed to be Employed by Them, the Sum of Four pounds on every hundred pounds, They shall so Employ, and in that Proportion, for a greater or Lesser Sum



as a Reward for their care and Trouble in the Several Services hereby Required to be done and Performed by Them.

AND whereas it is conceived that in case an attempt upon this City, Should be made by a Naval Armament, a Plat Form at Dominies Hook on Hudsons River might be very Serviceable to annoy Them, Be it therefore Enacted by the Authority Aforesaid, That there shall be and hereby is Appropriated, a Sum not Exceeding the Sum, of one hundred & Twenty pounds, to remain in the Treasury to and for that use & Purpose, and to no other use or purpose whatever, But if Such an Attempt as aforesaid Should be made, and that upon such an occasion the Lieutenant Governour or Commander in Chief, for the time being, together with the Field officers of the Regiment of NEW YORK, Should under their hands Certify to the Treasurer, That it was necessary to Erect Such a Plat Form at the Place ABOVE Mentioned, The Said Treasurer is then and in Such Case to Pay the Same for that Purpose, out of the Funds herein after Mentioned unto the Field officers of the Said Regiment, who Shall be Accountable for the True disposition thereof in manner as aforesaid, and a receipt from the Said officers upon Such a Certificate as aforesaid, Shall be a good Voucher to him Provided the Same doth not Exceed the Said Sum of One hundred & Twenty Pounds.

AND whereas it is conceived necessary to Trye and prove the Great Guns in the County of Albany in the manner and for the Reasons herein before Mentioned, Be it Enacted by the authority aforesaid That there Shall be and hereby is Allowed, to and for that Service, a Sum not Exceeding the Sum of Twelve Pounds, to be Payd by the Said Treasurer out of the Funds herein after Mentioned, unto Collonel Phillip Schuyler, who is hereby required to Employ the Same for the Service aforesaid, and to Render a true Account thereof upon oath to the Lieutenant Governour, or Commander in Chief for the time being, To the Council, and to the General Assembly when by Them or any of Them thereunto Required, and a Receipt of the above named Collonel Phillip Schuyler Shall be a good Voucher to the Treasurer for the Sume above Mentioned.

AND whereas from the present Scituation of Affairs in Europe a Rupture between his Majesty, and the French King is greatly to be apprehended For which reason the Trading House at Oswego, ought Speedily to be better Fortified, as it

affords us a Beneficial Furr Trade, chiefly in Truck for Brittish woolen manufactures, Endears us to the Remote Indians & confirms Our Six nations in their Dependance on the Crown of great Brittain; as of the other hand, The loss of that House, would deprive us of the Said Trade, Estrange the Farr Indians, and Intimidate the Six nations in their Fidelity, If consequences more Fatal might not be dreaded, for Prevention of which, Be it Enacted by the Authority aforesaid, That at a Proper distance from the Said Trading House, a Substantial Stone Wall made with good Mortar of Lime and Sand, Shall be Erected round it, Either in a Square or Triangular Form, as the ground will best admit of, with a Bastion or Block House in each Corner to Flank the Curtians, which are to be Shingled for the accomodation of such additional Troops as may be Sent Thither to Garrison and Defend the Said House, and if the Present Well, will not be comprized by the Said Wall, another is to be made or Sunk within it, That the People may not be Exposed in getting Water

AND be it further Enacted by the Same Authority, That for the Workmanship & Materials to Build carry on & Compleat so usefull & necessary a Work as aforesaid, There shall be, and hereby is allowed, a Sum not Exceeding the Sum of Six Hundred Pounds, to be paid by the Treasurer of this Colony, out of the Funds herein after Mentioned, and Employed for the Said Service in the manner herein after Directed

AND to the End the Services aforesaid may actually be performed in the best & Speediest manner, Be it Enacted by the Same Authority, That the present Commissioners of the Oswego Duty or the Commissioners of the Said Duty for the Time being, Shall be & hereby are FULLY Authorized Impowered and Required, To agree with able workmen, and for all necessarys requisite to perform the Said Services, and for Transporting the Same to Oswego, as Likewise with Mr Nicholas Schuyler or some other able Person, to be a manager there of the works aforesaid, and also for one or Two working Horses, to be Employed there in that Service, at the most moderate Rate. And the Said Assembly Pray that the Commanding officer at Oswego for the time being may be Directed, and the commissary there for the time being, is hereby Required to Forward and promote the Several Services aforesaid, until the Same are Fnished in the best manner They Shall be able.



AND to Enable the Said Commissioners for those Purposes, Be it Enacted by the Authority aforesaid, That the Treasurer of this Colony Shall upon their application to him, Pay unto Them, the Sum of Two hundred Pounds, and when that is Expended for the Said Service, the further Sum of Two hundred Pounds, and when that is so Expended the Remaining Sum of Two hundred Pounds, and their Respective Receipts for the Same Shall be good and Sufficient Vouchers, to the Said Treasurer for the Payment thereof, Provided They do not in the whole Exceed the before Mentioned Sum of Six Hundred Pounds, and of the application and Disposition thereof for the Services Aforesaid, They are to keep Exact Books, and to Render true accountments upon Oath, to the Lieutenant Governor, or the Commander in Chief for the time being to the Council & to the General Assembly, when by them or any of Them, thereunto Required.

BE it nevertheless Enacted by the authority aforesaid, That no PART of the Sum above Mentioned Shall be paid to the Said Commissioners, until They have Severally Entred Into Recognizances, unto our Sovereign Lord the King, his Heirs and Successors, before one of the Justices of the Quorum in the City or County of Albany, Each in the Sum of Three hundred Pounds with Two Sufficient Suretys each in half that Sum, conditioned That he Shall and will well and Truly Employ And apply the mony, hereby Directed to be received by him to and for the Intended Wall and other Services at Oswego, according to the true Intent and meaning of this Act; which Said Recognizances shall with all convenient expedition be Transmitted by the Justice before whom the Same are taken, to the Said Treasurer in Order to be Lodged by him in the Treasury.

AND in as much as the Intended Wall & outworks will tend very much to the Security & Benefit of the Persons Trading at Oswego, Be it therefore Enacted by the Same Authority That every Person & Persons coming to Trade there, Shall in every Trading Season, until the Said works are Finished, help to procure Building Stones or Lime Stones, or to do such other Labour as the Manager of the Said Works for the time being, Shall order & direct, Provided the Same doth not Exceed the number of Six Days in every Trading Season, and the Said Manager, is to give a Certificate under his hand, to the Person

& Persons performing Such Labour of the Number of Days, he or They have so worked; which Certificate & Certificates are to be Delivered to the Mayor of the City of Albany for the time being; and if They or any of Them mention Less Days, than the number above Mentioned, or if no Certificate at all be produced, the Trader & Traders not having compleated the Said Number of Days, Shall Forfeit for every Day WORKT Short or not workt at all, the Sum of Six Shillings, to be Recovered before any two Justices of the Peace in the County of Albany; one half of which for the Benefit of any Person or Persons, that Shall Sue for the Same, and the Other half for carrying on and compleating the works aforesaid, To be payd for that use unto the Commissioners aforesaid, and it Shall be Lawfull for the Said Mayor to Summon before him all Such Persons, as he shall know or be Informed to have Traded at Oswego, and Such Person and Persons so Summoned, as do not produce Such a Certificate as aforesaid, or that the Same contain Less than the above Mentioned Six Days, Shall be Lyable to the Penalty before Mentioned, To be recovered in manner as aforesaid; and upon non Payment thereof, it Shall be Lawfull for the Said Mayor, and He is hereby Required to award Execution for the Same, against Such offender and offenders for his & their neglect or omission, Together with Costs and the mony arising thereby, is to be applyed in manner as aforesaid.

AND whereas upon the Late Destruction of the Secretarys office, The corporation of the City of New York, did allow the use of their Common Council Room in the City Hall, as well to preserve the Records of this Colony and Sorting the Publick Books Writtings and other Papers in, as for keeping the Said office in until an other be Built for that Purpose. And Gerrit Couzyns having Laid out & Expended in Materials and Workmanship to make Suitable Conveniencys in the Said Room for the Purposes Aforesaid, The Sum of nine Pounds Eleven Shillings & Eleven pence, Be it Enacted by the Same Authority, That the Treasurer of this Colony, do Pay out of the Funds here in after Mentioned, The Said Sum of Nine pounds Eleven Shillings & Eleven pence, unto the above named Gerrit Couzyn, whose Receipt for the Same Shall be a good Voucher to the Treasurer for the Payment thereof.

AND whereas upon Undoubted Information that Several Spanish privateers are Cruising on this Coast, a great number of Merchants & others did represent to THE General Assembly,



That as his Majestys Ship the Flamborow, was under Orders to convey two Mast Ships from New England, and upon the point of Sailing, They were Endeavouring by Voluntary Subscriptions to Fitt out and Man two Large Sloops in pursuit of the Said Privateers, but apprehended that it could not be carryd on to Effect, without an aid from the Publick, and it being conceived highly reasonable to Encourage so Generous an Undertaking for the Safety and Protection of our navigation, it was Resolved to grant Towards it the Sum of Eight Hundred Pounds, Provided that Service was actually performed, and the Said Merchants & other Subscribers having in consequence of their Proposal, Fitted out & manned the Sloop Jamaica Packquet under the command of George Cunningham, and the Sloop Stephen & Elizabeth under the Command of Richard Langdon, Be it therefore Enacted by the authority aforesaid, That if the Said Two Sloops, do actually proceed, upon the Said Expedition, and continue in their Intended Cruise for the Space of one Month or Longer, in Search & in pursuit of the Said Privateers, or take & bring into the Port of NEW YORK, one or more of Them Sooner, There shall be paid by the Treasurer of this Colony, out of the Funds herein after Mentioned, unto the Managers of the Said Expedition to wit, Collonel John Moore, and Mr Henry Cruger, To and for the use Benefit and behoof of the Commanders officers & Volunteers that Perform the Said Service, So much only of the Said Eight Hundred Pounds, as by a True accompt to be Stated by the Said Managers, Shall appear, that the before Mentioned Voluntary Subscriptions do Bonafide fall Short, to discharge the Expende of the Said Expedition according to the Articles of agreement, which the Said Managers have made with the owners of the Said Two Sloops and the officers Sailours and Volunteers, That do go in them on the Intended Cruise, and a Certificate upon Such accompts UNDER the hands of Six or more Credible Merchants, that the Said Intended Expedition has been performed in the manner above Mentioned, together with a Proper receipt thereon signed by the above named Managers, Shall be a good Voucher to the Said Treasurer; for so much as in Such receipt Shall be Mentioned to be received by Them, Provided the Same doth not Exceed the before Mentioned Sum of Eight Hundred Pounds.

AND to Enable the Said Treasurer to make Effectual Payments of the Several Sums herein allowed & Directed to be

payd by him. Be it Enacted by the authority aforesaid, That he shall and may, and hereby is fully Impowered & Required, to borrow & make use of the Mony, which now is or Shall come into the Treasury, by virtue of an Act Intituled an Act, to Lay a Duty of Tonnage on the Vessells & for the time therein Mentioned, Passed in the Eighth year of his present Majestys Reign, and if there be not or Should not come in the Treasury, by means of the Said Fund, a Sum Sufficient to discharge all the allowances aforesaid, then and in such case, He shall be & hereby is further Impowered & Required for Paying and Discharging the Remainder of the Said allowances, to Borrow and make use of the Mony which now is or shall come into the Treasury, by virtue of another Act, Intituled an Act, for Laying an Excise on all Strong Liquors Retailed in this Colony, Passed in the Twelfth year of her Late Majesty Queen Anna, anything in the Said Acts or Either of Them to the contrary hereof notwithstanding: allways Provided that the Said Treasurer shall Replace to the Said Excise, what may so be Borrowed from it as aforesaid, as soon as the Said Fund of Tonnage, Shall Enable him to do it, and of the Several Payments to be made by him, in Pursuance of this Act, He is to keep Exact Books, and to Render TRUE Accompts upon Oath to the Lieutenant Governor or Commander in chief for the time being, To the Council, and to the General Assembly, when by Them or any of Them thereunto Required.

AND Whereas it is Represented by the Commissioners of Indian affairs at Albany, That Several of the Senekas as well as Some other of the upward Nations of Indians do Intend and will be obliged to come to albany and Places adjacent for their Subsistance, by reason of the present great Scarcity of Provisions amongst Them, and it being judged Incumbent upon us to Relieve Them in their Said Distress, confirm them in their Allegiance to the crown, and in the Interests of this Colony, Be it Enacted by the authority aforesaid, That there Shall be Payd by the Treasurer of this Colony, out of the mony arisen or to arise by virtue of an Act, Intituled an Act, For and Towards Supporting the Government of this Colony, by granting to his Majesty, the Duties therein Mentioned, From the first Day of December one Thousand Seven Hundred & Forty, To the first day of December one Thousand Seven Hundred & Forty one, a Sum not Exceeding the Sum of one Hundred Pounds unto the Said Commissioners of Indian Affairs at



Albany, to be Employed by Them in proper Provisions to Subsist Such Indians as aforesaid, If a considerable Number of Them should come for that purpose to the City of Albany or Places adjacent, and a Receipt from the Said Commissioners, or the greater number of Them for the Said Sum, Shall be a good and Sufficient Voucher to the Treasurer for the Same, and of the Distribution and application thereof, the Said commissioners are to Render True accompts to the Lieutenant Governour, or commander in Chief for the Time being, To the Council, and to the General Assembly, when by Them or any of Them there-unto Required, allways Provided that the above Mentioned Sum, or such part of it, as Shall Actually be Employed for the Subsistance aforesaid, Shall be Deducted out of the usual allowance for PRESENTS to the Six Nations of Indians when application for the Payment thereof Shall be made.

AND whereas Prudence requires to make Suitable Provision against all Events, BE it Enacted by the Authority aforesaid, That if a naval Force of an Enemy, Should happen to make an attack upon the City of New York, before his Majesty Shall be pleased, to Supply this Colony with Powder for the use and Defence of his Fortifications in it (which hath allways been Furnish'd at the Charge of the Crown) There shall be Purchased or Impressed by the Field officers of the Regiment of the City of New York for the time being, So much Powder as upon such an unhappy Event, might be Requisite and necessary to make a Vigorous Defence. And such part thereof as upon Such an Emergency might be expended, the General Assembly shall and will Provide ways & means, fully to Pay and Discharge, at the Price it Shall then be Currant at.

[CHAPTER 708.]

[Chapter 708 of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 1, 1741.]

An Act for the more Equal Keeping  
Military Watches in the City of NEW YORK,  
and for other the Purposes therein Men-  
tioned.

[Passed, June 13, 1741.]

Whereas a most wicked & dangerous Conspiracy has of late been Set on foot, promoted, abetted & Encouraged by Some

White people of this City, in Conjunction as well with Several Spanish Negroes lately brought into this Colony from the West Indies, as with many Negro & other Slaves of this City & Countrey: For burning & Destroying this City & murdering the Inhabitants thereof In pursuance of which Diabolical purposes His Majestys house at Fort George & all the other Buildings in it have been entirely burnt down & Consumed & within a very few days afterwards Several other houses in different parts of this City, Several of them in one day & others on different days soon Succeeding each other, Wilfully Set on fire; which, under the Influence of Divine providence, by the Vigilance of the Magistracy, & the Diligence of the People, have been happily & timely extinguished: The Confusion & Calamity caused by the Said fires have Nevertheless put every one into the utmost Terror & Consternation & rendered it absolutely necessary to keep Military Watches, to prevent further Mischiefs & Secure the Authors of & Confederates in, so unprecedented & Diabolical a Conspiracy, 'til they are brought to their Condign punishments.

AND whereas in and by an Act, Intituled an Act to Regulate the Militia of this Colony, Several Persons are Exempted from Military Duty, whereby the Burden of the Military Watch aforesaid Lyes chiefly on Trades Men and the middleing Sort of People, Th'o many persons so Exempted have Voluntarily contributed their Proportion of it, by Sending able Men in their Turns, Yet many others neglected So to do, as not being thereunto Obliged by the said Law.

BE it therefore Enacted by the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That from and after the Publication of this Act whilst the Said necessity subsists, to keep Such Military Watch in the Said City, all Persons residing in it, who are Exempted from Duty by the Act aforesaid, Shall be, and hereby are obliged, upon due warning to watch in the Same, in their Respective Turns, Either Personally or by PROVIDING an able Man in his or their Stead, at his and their Election: And upon Failure thereof all & every the person & persons making Such Default (The Members of His Majesty's Council & of the General Assembly, not bearing Military Commission, and the Judges of the Supreme Court The Deputy Secretary and Clarke of the Council, for the time



being only Excepted) Shall be Subject and Liable to the Like Fines as in the Act aforesaid is Inflicted on Inlisted Persons, for Such Default, to be recovered Levyed & applyed in the Same manner, as in the Said Act is Directed, any thing therein to the contrary notwithstanding.

BE it further Enacted by the Same Authority, That all Persons So Exempted by the Act herein before recited Or by this present Act, as aforesaid, Shall be & hereby are obliged to be Furnished with the Like Arms and quantity of Ammunition, which in the Said Act, is Directed that Inlisted Men, Shall be Furnished with and be Liable to the Same Examination upon the Penalties Mentioned in the Said Act, to be Recovered Levyed & applyed in manner as aforesaid.

AND that allarms from Sea may Soon be Conveyed, Be it Enacted by the same Authority, That within Fourteen days after the Publication of this Act, There shall be Erected the Three following Beacons; to wit, one on the Western part of Rockoway where it can best be Seen from the narrows on the IsLand of Nassau, & Statin IsLand, one other at the Narrows on the Said IsLand of Nassau, and the third opposite to it on Staten IsLand. And the Respective Collonels of the Places aforesaid, Shall be and hereby are obliged to take care that the Said Beacons be Severally Erected at the Places & within the Time above Mentioned; as Likewise that proper Persons Living near them, do Set the Same on Fire upon the Sight or Appearance of Seven or a greater number of Ships, And when the allarme is given by one, the others are also Imediately to be Set on Fire, to the End an allarm may be conveyed to New York in the Speediest manner, And when the Said Beacons are so Consumed others are Imediately to be Erected in manner as aforesaid.

Allways Provided that nothing contained in this Act, Shall Lessen or abridge the Several Liberties and Exemptions, which are allowed and Granted to the Firemen in the City of New York, In and by an Act, Intituled an Act for the better Extinguishing Fires which may happen in the City of NEW YORK, passed in the Eleventh year of his present Majestys Reign.

AND be it Enacted by the Authority aforesaid, That this Act, Shall be of Force from its Publication, until the first day of December in this present year, One Thousand Seven Hundred & Forty one

## THE TWENTY-SECOND ASSEMBLY.

*Seventh Session.*

(Begun Sept. 15, 1741, 15 George II, George Clarke, Lieut. Governor.)

## [CHAPTER 709.]

[Chapter 709 of Livingstor & Smith and Van Schaack, where the title only is printed. See chapter 703. Continued by chapter 729.]

An Act to Continue an Act Intituled an Act, for and Towards Supporting the Government of this Colony by Granting to his Majesty the Duties therein Mentioned from the first Day of December one Thousand Seven Hundred & Forty, to the first Day of December one Thousand Seven Hundred & Forty one.

[Passed, November 7, 1741.]

WHEREAS the Duties and Impositions granted for the Support of his Majesties Government in this Colony by the above Mentioned Act Passed in the fourteenth year of his present Majesties reign will Determine on the first day of December next, and the General Assembly being heartily disposed to make timely Provision for & Towards the further Support thereof.

BE it Enacted by his Honour the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the before Mentioned Act Intituled an Act for & Towards Supporting the Government of this Colony, by Granting to his Majesty the Duties therein Mentioned from the first day of December one Thousand Seven Hundred & Forty, to the first day of December one Thousand Seven Hundred & Forty one, Shall be & hereby is Enacted to be Continued, and every Clause, Article, Matter & thing therein contained to remain & be of full Force & virtue to all Intents, constructions & Purposes whatsoever, from the Said first day of December next, until the first day of December which will be in the Year of our Lord one Thousand Seven Hundred and Forty Two.



## [CHAPTER 710.]

[Chapter 710 of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 1, 1742.]

An Act to Let to Farm the Excise on Strong Liquors Retailled in this Colony for one Year Ending the first day of November One Thousand Seven Hundred & Forty Two.

[Passed, November 7, 1741.]

WHEREAS by an Act of the General Assembly, Intituled an Act for Laying an Excise on all Strong Liquors retailled in this Colony passed in the Twelfth year of the Reign of her Late Majesty Queen Anne, there was given & granted to her Said Majesty her heirs & Successors, a Duty of Excise on all Strong Liquors Retailled in this Colony, From the first day of November one Thousand Seven Hundred & Fourteen, To the first day of November One Thousand Seven Hundred and Thirty Four, for the Uses and Purposes in the Said Act Particularly mentioned, which Said Duty of Excise hath by Several Subsequent Acts been further continued from the Said first Day of November One thousand Seven Hundred & Thirty Four To the first day of November, which will be in the Year of our Lord one Thousand Seven Hundred & Fifty Seven

AND whereas Several Persons have by Themselves or by Some of the Members in their behalf offered & Engaged to Pay for the Said Duty of Excise in the Cities & Counties of this Colony, From the first day of November next, to the first day of November which will be in the Year of our Lord one Thousand Seven & Forty two, Such Rates as are conceived more Beneficial, then to Let the Same to Farm in any other manner.

BE it declared and Enacted by the Lieutenant GOVERNOUR the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Persons herein after named Shall be the Farmers of the Said Duty of Excise from the first day of November next Ensuing, to the first day of November which will be in the Year of our Lord One Thousand Seven Hundred & Forty Two, in the Respective City's & Counties of this Colony, and to have and receive the Benefits thereof at the Rates and for the Several Sums of money following that is to Say.

Mr. Edward Man for the City & County of New York for the Sum of Five Hundred and Forty Pounds.

Mr. Thomas Williams & Mr. John Waters for the City & County of Albany for the Sum of One Hundred & Forty Pounds.

Hendrick Remsen & Jacobus D. Beavois Jun'r For Kings County for the Sum of Thirty Pounds.

Cap't Samuel Fish Jun'r & Mr Peter Smith Jun'r For Queens County for the Sum of Ninety Five Pounds.

Maj'r Epenetus Platt For Suffolk County for the Sum of Sixty Five Pounds.

Lawrence Vankleck & Anthony Yelverton, For Dutchess County for the Sum of Fifteen Pounds.

Gerardus Hardenberg, For Ulster County for the Sum of Thirty Pounds Ten Shillings.

Mr. Paul Michoux For Richmond County for the Sum of Sixteen Pounds.

Mr. Johannes Remsen for Orange County for the Sum of Twelve Pounds.

Mr. James Wood, Mr. Silvanus Palmer, Mr. Phillip Pell and Mr. Jonathan Lawrence For West Chester County for the Sum of Forty nine Pounds.

AND for the Effectual Securing the Several Payments before Mentioned. BE it Enacted by the Authority aforesaid that the Several Farmers before named Shall be and hereby are Required & obliged on or before the first day of November next Severally to Enter into the following Recognizances, before any Judge of the Supream Court or of the Inferiour Courts to his Majesty his Heirs & Successors with Sufficient Sureties (That is to Say)

Mr. Edward Man in the Penal Sum of One Thousand & Eighty Pounds Current Money of this Colony.

Mr. Thomas Williams & Mr. John Waters in the Penal Sum of two Hundred & Eighty Pounds.

Mr. Hendrick Remsen & Mr. Jacobus D. Beavois Jun'r in the Penal Sum of Sixty Pounds.

Cap't Samuel Fish Jun'r & Mr. Peter Smith Jun'r in the Penal Sum of One Hundred & ninety Pounds.

Mr. Epenetus Platt in the Penal Sum of One Hundred and Thirty Pounds.

Mr. Lawrence Vankleck & Mr. Anthony Yelverton in the Penal Sum of Thirty Pounds.



Mr. Gerardus Hardenberg in the Penal Sum of Sixty one Pounds.

Mr. Paul Michoux in the Penal Sum of Thirty Two Pounds.

Mr. Johannes Remsen in the Penal Sum of Twenty Four Pounds

Mr. James Woods, Mr. Silvanus Palmer, Mr. Phillip Pell, and Mr. Jonathan Lawrence in the Penal Sum of Ninety Eight Pounds.

CONDITIONED That each of the Said Farmers Shall well and truly Pay to the Treasurer of this Colony, the Respective Sums They have Severally Farmed the Said Duty of Excise at, in two Equal half yearly Payments, that is to Say, one half thereof on the first day of May next Ensuing, and the other half thereof, on or before the first Day of November, which will be in the Year of our Lord one Thousand Seven Hundred & Forty two, and the Judge or Judges before whom Such Recognizance or Recognizances are taken are hereby Required to Transmit the Same with all convenient Expedition to the Said Treasurer with whom They are to Remain until they shall be Discharged

AND to the End the Several before named Farmers may have the full Benefit of the Said Duty of Excise, from & to the time before Mentioned. BE it Enacted by the authority aforesaid, That they and each of Them and each and every of their Executors administrators & assigns Shall be & hereby are Vested with all & Singular the Powers & authorities, For gathering Collecting and recovering the Said Duties & the Penalties and Forfeitures Imposed in the Said Act, in the Respective Places the Said Excise is hereby Farmed to Them, which in & by the Same are granted and Allowed to Farmers of the Said Excise, in as full ample and Effectual manner to all Intents constructions and Purposes whatsoever as if the Several Clauses relating thereto in the Act Aforesaid had been at Large Incerted & Enacted in the Body of this Act,

AND Whereas Several People, and more Peticularly in the City of New York, have Frequently presumed to Retail Strong Liquors in their Houses without being Duly Lycenced for that Purpose.

AND whereas Such Persons as Aforesaid as Likewise Several others who were Duly Lycenced to Retail, not only Sold Strong Liquors to Slaves but often Entertained great numbers

of Them at their Houses, or Suffered Them to be Entertained there, which Tempted and Encouraged the Said Slaves to Robb their Masters & others, for Supporting the Expense of Such Vile Practices & at the Same time contributed very much to Form the Late wicked Conspiracy for Burning the Houses & Murdering the Inhabitants of the Said City, for Remedy of which dangerous Evils

BE it Enacted by the authority aforesaid, that no Person or Persons whatsoever, Shall be Allowed or Permitted to Retail any manner of Strong Liquors in their Houses or Elsewhere at any time During the Continuance of this Act, Until, He, She, or They have first Entered into Recognizance, That is to Say, In the Cities of New York, & albany before the Respective Mayors thereof, and in all the Several Counties of this Colony before two Justices of the Peace in the Penal Sum of Twenty Pounds with Sufficient Security in the Like Sum conditioned to keep an Orderly House According to Law, During the time They Shall be so Lycenced to Retail as aforesaid

And thereupon the Respective Mayors or the Said Justices, Shall grant to the Person & Persons who have Entered into Such Recognizance a Lycence under his or their hands & seals to Retail Strong Liquors in Such House or place to be mentioned therein at any time or times during the Continuance of this Act, which Recognizances are to be Lodged by the Person or Persons before whom the Same are taken viz't in the Cities of New York & Albany with the respective Town Clerks, and in the Counties with the Respective Clarks thereof, and upon Complaint made of the Breach of the Said conditions, it shall be Lawfull for the Said Mayors and Aldermen of New York & Albany, or the greater Number of them, and in the Counties for the Justices at their General or Special Sessions of the Peace to Suppress the Lycence or Lycences of Such Offender or offenders.

BE it further Enacted by the Same Authority, That no Person or persons who have obtained Such Lycence as aforesaid, Shall be permitted to Retail Strong Liquors before He, she, or they have agreed for the Excise with Such Farmer or Farmers as have taken the Excise in the Place, where He she or they Intend to Retail, and Secured to him or them the Payment of the Sum So to be agreed on by Bond or Otherwise, at the



Discretion of the Said Farmer or Farmers, who are thereupon to give a permit in writing unto Such Person or Persons to Retail Strong Liquors.

BE it Enacted by the Same authority that if any Person or Persons Shall presume to Retail Strong Liquors in this Colony before He She or They have Entred into Recognizance, and obtained a Lycence and permit in manner as aforesaid, He she or They so offending Shall not only be SUBJECT and Lyable to the Penalties & Forfeitures contained in the before Mentioned Act, but more over Forfeit the Sum of Five Pounds to be Recovered in a Sumary Way, in the Cities of New York & Albany before the Mayor or Recorder and one or more Aldermen of the Said City's Respectively, and in the Counties by any two Justices of the Peace, one whereof to be of the Quorum, And if upon Conviction the Said Forfeiture be not Paid, the Same is to be Levyed on the goods & Chattels of the offender or offenders by Warrant under the hands & Seals of the Person or Persons before whom Such Conviction Shall happen And if no goods or Chattels are found on which to Destrain, It Shall be Lawful to the Person or Persons who heard and determined the Cause to commit the offender or offenders to Goal without Bail or main prize for the Space of Three months, unless the said Penalty is Sooner discharged and the Said Respective Magistrates Shall be and hereby are fully Impowred Directed and Required to hear & Determine these matters in manner as aforesaid, and to give Judgment, and if need be to award Execution thereon, and to Issue a warrant or warrants for Commitment of offenders as the Case may Require.

AND that the Expence of being Qualified to Retail may be within the Bounds of Moderation, Be it Enacted by the Authority Aforesaid, that no more or greater Sum Shall be Demanded or Received for a Recognizance and Lycence in the City of New York & Albany, Than the usual & accustomed Fees, and in the Respective Counties than the Sum of Three Shillings

AND WHEREAS Several Persons, as well in the Said Citys as in the Counties not being Tavern Keepers, dispose of Strong Liquors from their Cellers or Stores under the quantity of Five Gallons, carryd from thence to other Places.

BE it Provided and Enacted by the Same Authority that Such Persons Shall not be obliged to Enter into Recognizance

& take Licence in manner as aforesaid any thing contained in the Aforesaid Act to the contrary notwithstanding. But that They and each of Them Shall nevertheless be and hereby are Required & obliged to agree for the Excise with the Respective Farmers thereof, and to obtain his or their Permit for so Doing before Such Person or Persons Shall undertake to Retail Strong Liquors without Doors under the Said Quantity of Five Gallons; and in Default hereof every offender & offenders Shall be Subject & Liable to the Penalties and Forfeitures which in Such Cases is directed & Mentioned in and by the Act Aforesaid

AND be it Enacted by the Same Authority, That of all the Penalties which may arise upon the Breach of the Recognizances hereby directed to be Entred into, one half Shall be to the Informer or Informers that Shall Sue for and Prosecute the Same to Effect, and the other half Shall be pay'd to the Treasurer, and Employ'd by him to Sink and Cancell Bills of Credit, Struck and Issued upon the Duty of Excise & that all other Forfeitures which may arise by virtue of this Act, Shall be to the Sole use & Benefit of the Farmers Respectively.

AND be it further Enacted by the Authority Aforesaid, That all the moneys to be paid to the Treasurer by the Several before named Farmers, Shall be Employed for and towards Cancelling Bills of Credit Struck & Issued upon the Said Duty of Excise at the time and in the MANNER directed in & by an Act Intituled an Act further to Continue the Duty of Excise and the Currency of the Bills of Credit Emittid thereon, and to Strike Some new Bills for Exchanging Such old ones as are or may be unfit to Circulate passed in the Thirteenth Year of his present Majesties reign and to and for no other use or Purpose whatsoever.



## [CHAPTER 711.]

[Chapter 711 of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 1, 1744.]

An Act for the more Equal & orderly Keeping a Sufficient night Watch in the City of New York, and to Enable the Corporation of the Said City, to Raise the Sum of Five Hundred & Seventy four pounds Twelve Shillings, to Defray the Charge thereof, and for other the Purposes therein Mentioned

[Passed, November 7, 1741.]

WHEREAS the late most wicked and dangerous Conspiracy, abetted and Set on Foot by some white People in conjunction with many Negro Slaves for Burning and Destroying this City of New York & murdering the Inhabitants thereof, Render'd it absolutely necessary to keep Military Watches in the Said City.

AND WHEREAS a good and Sufficient night watch is still necessary to be kept, for the Quiet & Safety of the Inhabitants of the Said City, but the present Military night Watches being found to be very Burthensome to the poor Inhabitants of the Same City; and that the two debts herein after mentioned may be Discharged.

THE GENERAL Assembly do humbly Pray that it may be Enacted, and be it Enacted by his Honour the Lieutenant Governour the Council and the General Assembly, AND it is hereby Enacted by the Authority of the Same, That it Shall & may be Lawfull for the Mayor Recorder Aldermen and assistants of the City of NEW YORK for the time being convened in common Council, or so many of Them as do make a common Council, or for Such Person or Persons as They in common Council Shall authorize and appoint, to agree with and appoint Such a number of able Bodyed Men (being Inhabitants of the Said City) As they the Said Mayor Recorder Aldermen & Assistants convened in Common Council Shall think Fit and necessary, To be the night Watch of the Said City, from the first day of December next, Until the first day of December, which will be in the year of our Lord one Thousand Seven Hundred and Forty Two.

AND be it further Enacted by the Authority Aforesaid, That Such a number of the Said Watchmen (not Less than Twelve) so by Them the Said Mayor, Recorder Aldermen and Assistants to be appointed and agreed with Shall Every night, from the said first day of December next, until the first day of December, which will be in the year of our Lord, one Thousand Seven Hundred and Forty Two, Watch and Guard this City and the Inhabitants thereof, During Such Hours, & under Such Regulations as the Mayor, Recorder Aldermen & Assistants of the Said City for the time being, or so many of Them as do make a Common Council Shall think fit to regulate and Direct.

AND be it further Enacted by the Same Authority, That if any of the Said Persons so to be appointed & agreed with as Watchmen as Aforesaid, Shall Dye Remove out of the Said City or any Ways misbehave Themselves, or shall not obey the Orders and Directions of the Said Mayor, Recorder Aldermen and Assistants aforesaid, That they the Said Mayor Recorder Aldermen & Assistants convened in Common Council may, from time to time during the Continuance of this Act, as often as the Case may require, Supply the Places of such AS may so Dye or Remove and to Displace Such Watchmen so misbehaving, and appoint and agree with others in their Room & Stead, any thing herein contained to the contrary in any wise notwithstanding.

AND for as much as the Corporation of the City of New York have of Late out of the Revenues thereof (for the Ease & Security of the poor Inhabitants) Expended Large Sums in Providing New Hooks Chains, Ladders, Leather Bucketts, and other Implements for Extinguishing Fires, and Sending for a Large new Fire Engine, whereby and by Former Buildings and Repairs, the Treasure of the Said Corporation is so much Exhausted, that They are Unable to Pay the Said Watch Men or Discharge the Said Debts.

BE it therefore Enacted by the Authority Aforesaid, That it Shall and may be Lawfull, for the Mayor, Recorder, Aldermen and Assistants of the Said City for the time being convened in Common Council, or so many of Them as do make a Common Council; at Such time as They shall Judge most convenient after the Publication of this Act, and before the Twenty Fifth Day of March next, to order the Raising the Sum



of Five Hundred & Seventy Four Pounds Twelve Shillings, by a Tax upon the Estates, Real & Personal of all and Every the Freeholders, Freemen, Inhabitants, Residents & Sojourners, within the Said City of New York, Pursuant to which Order in Common Council so made, The Mayor of the Said City for the TIME being Shall forthwith Issue his Warrants to the Assessors & Collectors of each Respective Ward within the Said City of New York for the time being, To make Such Assessments and Collections and upon neglect, Refusal or non Payment, the Said Collectors are hereby Authorized to Levy the Same by distress and Sale of the Goods and Chattels of Such Person or Persons, who shall neglect Refuse or Delay to Pay the Same Immediately, restoring to the owners the overplus (if any be) All which Sum and sums of money to be Levyed Collected & paid as Aforesaid, Shall be paid by the respective Collectors aforesaid, unto the Treasurer of the Said City of NEW YORK for the time being within Thirty Days after the Assessments and Warrants aforesaid Shall be deliver'd to Them respectively, There to remain until the Sum of Five Hundred Pounds thereof, be ordered for the Payment of the Said Watchmen and Providing Fire and Candles & other Necessarys for the Said Watch, by order of the Common Council of the Said City, and by Warrant under the hand and Seal of the Mayor for the time being, Pursuant to such order.

AND be it Enacted by the authority aforesaid, That the Said Mayor, Recorder and Aldermen of the City of New York, for the time being or any one of Them, Shall have Power and Authority by virtue of this Act, and are hereby required to Administer an oath to the Said Assessors and Every of Them before the making of the Aforesaid Assessment, well Truly Equally Impartially and in due Proportion according to the BEST of their Understanding, to Assess and Rate all and Every the Freeholders, Free Men, Inhabitants, Residents and Sojourners of the respective Wards for which They are Chosen Assessors.

AND be it further Enacted by the Authority aforesaid, That If any Person or Persons, who are or Shall be Chosen Assessors or Collectors in the Said City of NEW YORK, For each Respective Ward thereof, Shall Deny Neglect or Refuse to make Such Assessments as by this Act is required within Twenty days after Such Warrants as aforesaid Shall be De-

livered to Them respectively, or Shall deny neglect or Refuse to Collect any Sum or Sums of mony in manner before mentioned, Laid Taxed and assessed, Every Such Assessor or Collector for Such offence, Shall Forfeit & Pay the sum of Twenty Pounds, to be Recovered by action of Debt, Bill Plaint or Information in any Court of Record within this Colony (wherein no Essoyn Protection or Wager of Law, or more than one Impar lance Shall be Allowed) By any Person who shall Sue and Prosecute for the Same, one half of which Forfeiture, Shall be paid to the Treasurer of the Said City for the use of the Said Corporation, and the other half to the Person who shall Sue for and Prosecute the Same to Effect.

AND WHEREAS at the Last Election of Representatives for the City and County of New York, in the present General Assembly Three of the Members then Chosen, openly Declared their Intention & WILLINGNESS to Serve in that Station, without any Charge to their constituents, And as William Rcome Esq'r the other Member then Chosen did as Publickly declare that He would not Serve Gratis, So it is but Just and Reasonable, That he Should be Payd the Usual Wages of Representatives for the Said City & County.

BE it therefore Enacted By the Authority aforesaid, That the Said City Treasurer, Shall out of the mony to arise by virtue of this Act, Pay unto the Said William Roome his Executors administrators or Assigns, The sum of Sixty Pounds Twelve Shillings in full of his Said Services until the Thirteenth of June Last Past, being Two Hundred & Two Days, Exclusive of Sundays, as may Appear by Five Several Certificates thereof; on which Proper Discharges are to be Signed by him at the time He receives Payment for the Same: and He is then Likewise to give a Receipt for the mony so to be Received unto the Said Treasurer, which Shall be a good Voucher and Discharge to him, for so much as Shall therein be acknowledged to be Received, Provided the Same doth not Exceed the above Mentioned Sum of Sixty Pounds Twelve Shillings.

BE it Likewise Enacted by the Same Authority that the Said City Treasurer Shall Pay out of the first mony to arise by Virtue of this Act, unto Richard Nicholls Esq'r his Executors Administrators or Assigns the Sum of Fourteen pounds in full Discharge & Sattisfaction of all his Claims and Demands to this Day upon this City and County as Coroner thereof, and



his Receipt for the Same Shall be a GOOD Voucher and Discharge to the Said Treasurer for so much as therein Shall be Mentioned to be Received, Provided it doth not Exceed the before Mentioned Sum of Fourteen pounds.

AND be it further Enacted by the Authority aforesaid, That ~~over~~ and above the Said Sum of Five Hundred & Seventy Four pounds Twelve Shillings, to be Levyed and paid by Virtue of this Act The sum of nine pence in the pound for the Collectors, and Six pence in the pound for the City Treasurer, Shall be Assessed Levyed & paid to the Respective Collectors, and the City Treasurer Aforesaid for Collecting Receiving & Paying the Same According to the true Intent and meaning of this Act, anything therein contained to the Contrary notwithstanding, And that the Said Treasurer Shall keep a true Separate and Exact account of all Such Sum and Sums of mony, as Shall be by him so received and paid, and Such Account give and Render at all times, unto the Mayor Recorder, Aldermen and assistants of the City of New York for the time being, convened in Common Council, when by Them he Shall be thereunto Reasonably Required

[CHAPTER 712]

[Chapter 712 of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act for mending & keeping in Repair  
the Post Road from New York to Kings Bridge.

[Passed, November 7, 1741.]

WHEREAS the high Way or Post Road through Manhattens or York Island Leading from the City of New York to Kings Bridge, Ought to be kept in good Repair, but as the Act of the General Assembly of this Colony now in force for that Purpose is found very Inconvenient & doth not answer the good Ends thereby Intended.

BE it Enacted by the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That all the Acts heretofore Passed for keeping in Repair the Post Road from New York to Kings Bridge Shall be and hereby are Repealed & made Null & void. And in Stead thereof Be it Enacted by the Authority aforesaid That so much only of the Said General high Way or Road as to the present Dwelling House of Joachim Anderson Shall be Repaired & amended by the Inhabitants of all the Several

Wards within the Said City (Except the outward) and that all that part only of the Said High Way & Road from the Said House of Joachim Anderson to the Limits of Harlem Patent Shall be Repaired & Amended and from time to time kept in good Repair by the Inhabitants of the Bowry Division of the Out Ward of the Said City. And all the Remaining part of the Said High Way AND Road of the said Island from the Southerly Limits of Harlem Patent to Kings Bridge Shall from time to time be Cleared Repaired and Amended by the Inhabitants of Harlem Division as hath been formerly done, and that the Said Post Road & high way Shall be Laid out the breadth of four Rod and cleared the Breadth of two Rod at Least.

AND for the better Clearing maintaining & Repairing all and every the Said Common Highway & all the Cause ways & Bridges on the Same. BE it further Enacted by the Authority Aforesaid That the Justices of the Peace of the Said City & County at & in their General Quarter Sessions to be held for the Said City & County in the month of February next, and so in Every month of February thereafter, Shall nominate and appoint Three sufficient & able Persons, one whereof to be an Inhabitant of the Said City on the South Side of Fresh Water, one other to be an Inhabitant of the Bowry Division of the Out Ward of the Said City, and the other to be an Inhabitant of Harlem Division of the Said Out Ward, to be the Surveyors of the Said High Way Bridges, & Cause Ways, for the year from thence next Ensuing and that the Said Justices Shall cause notice to be given of the Same in writting to the Surveyors So to be Appointed and in case of Death or Refusal any two or more of the Said Justices of the Peace for the Said City & County (whereof one to be of the Quorum) Under their hands & Seals Shall & may from time to TIME Appoint others in their Places which Said Surveyors & every of Them having no Lawfull Impediment to be Allowed by the Said Justices by whom They Shall be Appointed in manner as aforesaid, or any two of Them (Whereof one to be of the Quorum) within Three weeks next after Such notice to him or Them given Shall & they are hereby Directed and required to view & Survey the Said High way, Bridges & cause Ways and Consider the Defects thereof and to use the best Method & means for the Clearing widening, Levelling, Repairing & making good the Same. And the Said Surveyors or any two of them are hereby



Directed Impowered & authorized (at any time after Such Survey as aforesaid and so from time to time as often as They Shall See Occasion) To Summons & give Notice to Such & so many of the Inhabitants of the Said Divisions as They the Said Surveyors Shall think Proper & necessary to meet & convene at Such Times Places and Seasons & for so long time as the Said Surveyors Shall appoint, with Carts and Carryages, Shovells, Spades, Pick Axes, Mattocks & other Tools & Instruments as by the Said Surveyors Respectively Shall be thought needfull, for the amending, clearing, Widening, Repairing & making good the Said High Road, Bridges, & Cause Ways within the Several Districts & Limitts herein before Set forth, and all & every Such Person & Persons Summoned or having Notice as aforesaid, Shall Either by himself or by a Sufficient able Man meet within their Several Limitts aforesaid, at the time & Place to be so Appointed & to Obey & Perform Such orders & Directions as the Said Surveyors for the Said Respective Divisions Shall for the Purposes aforesaid Order and Direct, and in case any Person so Summoned Shall not by himself OR by another Sufficient Person in his Place appear & Obey Such Directions as aforesaid, Every Such Defaulter Shall Forfeit Six Shillings Current money of this Colony, for each Days Absence or Disobedience to be Levyed by Warrant from any one Justice of the Peace for the City and County Aforesaid, who is hereby authorized & Required to grant such Warrant directed to one of the Constables of such Ward or Division where Such Default Shall happen by Distress & Sale of the Offenders Goods and Chattels at a Publick Outcry, and after Payment of the Said Six Shillings & Charges the Overplus (if any) To be returned to the owner and every Team with Cart or Waggon & a man to manage the Same which the Said Surveyors Shall have Occasion to use Shall be Deemed and Esteemed in the Place of Three Days Labour of one workman and that Every Person keeping Such Team & Carriage and being Duly Summoned to appear therewith & making Default, Shall Forfeit for Every Such Default the Sum of Eighteen Shillings Like money to be Levyed in manner Aforesaid, all which Forfeitures Shall be paid to ye respective Surveyors for the time being & to be by them Layd out and disposed of in Repairing the high Way of the District in which the Person making Default Shall dwell or Reside.

AND be it further Enacted by the Authority Aforesaid, That the Several Surveyors who shall be appointed in manner as

**Aforesaid** Shall Summons and Employ the respective Inhabitants within the Several Wards & Divisions Aforesaid in Repairing and MAKING good the Several High Ways, Roads, Bridges & Cause Ways, Justly & Equally every year & in their Respective Turns, For which Purpose the Said Surveyors are hereby Directed & Required to keep true & Exact Lists of the Names & times of all Persons appearing & working on the Said high Way, and that as often as new surveyors Shall be appointed in manner as aforesaid, The Surveyors of the Preceeding Year Shall deliver all Such Lists to the Said new Surveyors. PROVIDED nevertheless that no Person be compellable to work on the Said High way at any time in Seed time, Hay or wheat Harvest.

AND be it further Enacted by the authority aforesaid, That Every Surveyor that Shall be appointed in manner as aforesaid Refusing or neglecting to do & perform any of the Duties & Services Required of him and them in & by this Act, Shall Forfeit and Pay the Sum of Five Pounds current money aforesaid, to be recovered by Action of Debt, Bill Plaint or Information in any Court of Record within the City & County Aforesaid, one half of which Forfeiture, Shall be to the Informer who Shall Sue for & Prosecute the Same to Effect, and the other half to be Employed by the Direction of any two of the Justices of the Peace aforesaid (whereof one to be of the Quorum) in Repairing & making good Such part of the high way as is within the Limits that such Surveyor Shall be Appointed for.

AND be it further Enacted by the Same Authority that in case any Difference or Dispute Shall arise between any of the Inhabitants OF the Respective Wards or Divisions Aforesaid, or between any of them & the Said Surveyors of or concerning the Repairing or amending the High Way Aforesaid The Same Shall be Settled and Determined by any two of the Justices of the Peace aforesaid (whereof one to be of the Quorum) or by the Justices at their General Quarter Sessions, whose order and Determination thereon made in writting under their hands Shall be Conclusive to all Parties.

AND for as much as Some Doubts & Scruples have arisen about the Course of the Road from Spring Garden gate at the End of the Broadway towards Fresh Water, for Removing of which be it Enacted by the Authority Aforesaid, That the Said Road Shall for Ever hereafter be on a Straight Line or course from Spring Garden Aforesaid, through the New Road Lately cut through the Hill by the House of Captain



John Brown where the Wind Mill formerly Stood until it meets with the old Road.

[CHAPTER 713.]

[Chapter 713 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 651. Expired December 1, 1750. Provided for by chapter 881.]

An Act to Revive an act, Intituled an act, to Restrain Tavern Keepers & Innholders from Selling Strong Liquors to Servants and Apprentices and from giving Large Credit to others.

[Passed, November 7, 1741.]

WHEREAS an Act of Assembly passed in the Eleventh year of his present Majesties reign Intituled an Act to restrain Tavern Keepers & Innholders from Selling Strong Liquors to Servants & apprentices & from giving Large Credit to others, is Expired by its own Limitation and the Said Act having by Experience been found to be very Beneficial to the good People of this Colony.

BE it therefore Enacted by his Honour the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above Mentioned Act, Intituled an Act, to Restrain Tavern Keepers and Innholders from Selling Strong Liquors to Servants & apprentices and from giving Large Credit to others, Shall be Revived, and every Clause, Article & Matter therein contained to be & remain of Force to all Intents constructions and Purposes whatsoever from the first day of December next until the first Day of December which will be in the Year of our Lord, One Thousand Seven Hundred & Fifty.

[CHAPTER 714.]

[Chapter 714 of Livingston & Smith and Van Schaack, where the act is printed in full. See chapter 604.]

An Act to Continue an Act Intituled an Act to Prevent Small Stallions running at Large in the Colony of New York and to Geld Such as Shall be under the Size therein Mentioned.

[Passed, November 7, 1741.]

WHEREAS an Act of Assembly Intituled an Act to prevent Small Stallions running at Large in the Colony of New York,

and to Geld Such as Shall be under the Size therein Mentioned, passed in the Eighth year of his present Majesties Reign, will expire by its own Limitation on the first day of December next, and the Said Act, having been found to contribute very much to Amend the Breed of Horses.

BE it therefore Enacted by his Honour the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above Mentioned Act, Intituled an Act, to prevent Small Stallions Running at Large in the Colony of New York, and to geld Such as Shall be under the Size therein Mentioned, and every Article, Clause and Matter therein contained Shall from the first day of December next be Remain & continue in full Force to all Intents Constructions and Purposes whatsoever.

[CHAPTER 715.]

[Chapter 715 of Livingston & Smith and Van Schaack, where the title only is printed.]

'An Act to Enable the Justices of the Peace in the Colony of Richmond to Finish and Compleat their Court House.

[Passed, November 7, 1741.]

WHEREAS in Pursuance of an Act of General Assembly of this Colony passed in the Second Year of his present Majestys Reign, Intituled an Act to Enable the Justices of the Peace in the County of Richmond to Build a County House and a New Jail in the Said County, and the Justices of the Peace of the before Mentioned County have caused the Sum of Two Hundred Pounds to be Levied & Collected by virtue of the Said Act wherewith they have built a Jail & a County House, but for as much as the Said Sum of Two Hundred pounds, has not been Sufficient to Finish and Compleat the Said Court House, and the Justices of the Peace having no Power to Levy any further Sum of mony for that use, and it being highly necessary that the Said Building Should be compleated

BE it therefore Enacted by the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That for Finishing and Compleating the Said Court House, the Supervizors of the Said County of Richmond, or the Major part of Them Shall be and hereby are



Authorized & Required at any time after the Publication of this Act upon application to them made, by the Justices of the Peace of the Said County, or the Major part of Them, to Raise Levy and Collect, within the Said County of Richmond, a Sum not Exceeding the Sum of Twenty Pounds, which Said Sum, Shall be Deemed and Esteemed as a part of the County Charge AND Shall be Raised Levyed and Collected in the Same manner as the other County Charges are, and the money so Raised Levyed and Collected as aforesaid, Shall be paid by Warrant or Warrants from the Supervizors or the Major part of Them, to Such Person or Persons as Shall be Appointed by the Justices of the Peace of the Said County of Richmond, or the Major part of Them, to be applyed for the use before Mentioned.

[CHAPTER 716.]

[Chapter 716 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 694. Continued by chapter 730.]

An Act to Continue an Act, Intituled an Act, to Regulate the Militia of this Colony, with a further Addition thereto.

[Passed, November 27, 1741.]

WHEREAS an Act Intituled an Act to Regulate the Militia of this Colony, Passed in the Thirteenth year of his present Majesties Reign, hath by another Act, Intituled an Act to Continue an Act Intituled an Act, to Regulate the Militia of this Colony, with an Addition thereto, Passed in the Fourteenth year of his Said Majesties Reign, been Continued and Enacted to be of Force, until the first day of December in this present Year One Thousand Seven Hundred and Forty one, And for as much as it is highly necessary to have the Militia of this Colony under Proper Regulations.

BE it Enacted by his Honour the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That as well the first Mentioned Act, as the Addition thereto in the Act whereby the Same is Continued in manner as aforesaid, and every Clause, Matter & thing contained in both or Either of the Said Acts, Shall from and after the Said first day of December next Ensuing, Be and Remain in full Force to all Intents Constructions and Purposes whatever until the first day of December, which will be in the Year, one Thousand Seven Hundred & Forty Two.

AND WHEREAS upon an Invasion Insurrection or other emergency, it may be found Necessary to keep a Military night watch in the City of NEW YORK. BE it further Enacted by the Authority Aforesaid, That when and so often as such Necessity Shall happen during the Continuance of this Act, all Persons Residing in the Said City who are Exempted from Military duty in the afore Mentioned Act The Gentlemen of his Majestys Council the Judges of the Supreme Court The Members of the Generall Assembly The Deputy Secretary and Clerk of the Council for the Time being only Excepted Shall be and hereby be obliged upon due warning to Watch in their respective turns, Either Personally or by Providing an Able man in his or their Stead at his or their Election, and upon Failure thereof all Every the Person or Persons making Such Default, Shall be subject & Liable to the like Fines as in the Act Aforesaid is inflicted on Inlisted Persons for such default, to be recovered Levyed & applied in the Same manner as in the Said Act is directed, any thing therein to the contrary notwithstanding.

BE it further Enacted by the same Authority that all Persons Exempted by the Act herein before mentioned, or by this present Act The Gentlemen of his Majestyes Council the Judges of the Supreme Court, The Members of the Generall Assembly the Deputy Secretary and Clerk of the Council for the Time being only Excepted Shall be & hereby are obliged to be Furnished with the like Arms & quantity of Ammunition which in the Said Act is directed, that Inlisted Men Shall be Furnished with and be Lyable to the Same Examination upon the Penalties mentioned in the Said Act, To be recovered, Levyed & applied in Manner as Aforesaid.

AND that Allarms from Sea may be soon Conveyed. be it ENACTED by the Same Authority, That the Beacons allready erected by virtue of a former Act, Shall be kept up to it, one on the Western part of Rockaway, one Other at the Narrows on the Island of Nassau, and one other opposite to it on Statton Island, and the respective Collone's of the Places aforesaid shall be & hereby are obliged to have Due care taken of Them, & Likewise to appoint proper Persons living near the Said Beacons to Set the Same on Fire, upon the Sight or appearance of Seven or a greater Number of Ships, and when the Alarm is given by one, The others are also Immediately to be Set on Fire to the End an Alarm may be Conveyed to New York in the



Speediest manner, and when the Said Beacons are so consumed, others are Immediately to be Erected by the Respective Collonels above Mentioned.

ALLWAYS Provided that nothing contained in this Act Shall Lessen or abridge the Several Liberties & Exemptions which are Allowed & granted to the Firemen in the City of New York, in and by an Act, Intituled an Act, for the better Extinguishing Fires which may happen in the City of NEW YORK passed in the Eleventh Year of his present Majesties reign

[CHAPTER 717.]

[Chapter 717 of Livingston & Smith and Van Schaack, where the title only is printed. Expired September 1, 1742.]

An Act to Apply the Monies granted for Support of this Government for Payment of the Salaries, Services and Contingencies there in Mentioned until the first of September one Thousand Seven Hundred & Forty two, and for Transporting Recruits to the West Indies.

[Passed, November 27, 1741.]

To the End all the Salaries of the Officers, and the Several Services and other Contingencies of this Colony may be Duely discharged from & to the time herein after Mentioned, and that the Honourable Gentleman who his Majesty has (according to undoubted accounts) been pleased to Constitute Captain General & Governour in Chief over this Colony, may be Intituled, After his Arrival here, to as Large a salary for his administring the Government thereof, as has at any time been allowed to any former Governour in Chief. BE it Enacted by his Honour the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, that the Treasurer of this Colony Shall be & hereby is Impowered & Required, out of the Interest money arisen or to arise by virtue of an Act, Intituled an Act, for Emitting bills of Credit, for the Payment of the Debts, & for the better Support of the Government of this Colony and Other Purposes therein Mentioned, Passed in the Eleventh year of his Majestys reign; and out of money arisen or to arise by Virtue of another Act, Intituled an Act, For & Towards Supporting the Government of this Colony, by granting to his Majesty the Duties therein Mentioned from the first day of December one Thousand Seven Hundred & Forty,

to the first day of December one Thousand Seven Hundred & Forty one, Passed in the Fourteenth Year of his Majestys reign, as Likewise out of the Money to Arise by Virtue of one other Act passed in this Present Session whereby the Last Mentioned Act is Continued to the first Day of December which will be in the Year One Thousand Seven Hundred & Forty two; To Pay at the times & in the manner herein after Directed, the Several Salaries, Services & Allowances following, That is to Say.

TO his Excellency the Said Captain General & Governour in chief for his administring the Government of this Colony, from the time his Letters Pattents for that Post, Shall be Published here, Until the first Day of September, which will be in the year one Thousand Seven Hundred and Forty two, after the rate of Fifteen Hundred & Sixty Pounds pr Annum.

TO his Honour the Present Lieutenant Governour for his administring the Said Government from the first of September Last, to the Day he may be Superceeded in the Said Administration, or until the first Day of September next, which Shall first happen, after the rate of Thirteen Hundred Pounds pr. Annum.

TO the Said Lieutenant Governour in consideration that the Buildings in Fort George were burnt down on the Eighteenth of March Last, for the Rent of a House from the Said Eighteenth day of March to the Day he may be so Superceeded as aforesaid, or until the Eighteenth of March next, which shall first happen after the rate of Fifty Pounds pr. Annum.

TO the Governour or Commander in Chief for the time being after the Thirteenth of June next Ensuing, the Sum of Four Hundred Pounds to Provide & Furnish the Fort & Garrison in New York, with Fire wood & Candles from the SAID Thirteenth of June Until the Thirteenth of June which will be in the year of our Lord one Thousand Seven Hundred & Forty Three.

TO Captain Stephen Van Renselaer for Providing & Furnishing Fire wood & Candles to the Several Garrisons in the City & County of Albany, from the Thirteenth of June Last past, to the Thirteenth of June which will be in the Year of our Lord One Thousand Seven Hundred & Forty two, The sum of Two hundred Pounds

TO the Governour or Commander in Chief for the time being, for Presents to the Six Nations of Indians for two Years, to wit, from the Thirteenth of June One Thousand Seven Hundred & Forty, To the Thirteenth of June which will be in the Year One Thousand Seven hundred & Forty two, the Sum of Seven Hun-



dred Pounds, which is to be Laid out & Employed in Proper Presents for & to the Said Nations, when the Governour or Commander in Chief goes to Albany to renew the Treaty with Them there.

TO the Said Governour or Commander in Chief for the time being for his Voyage & Expences to Albany when he Shall go Thither to renew the Said Treaty, the Sum of One Hundred & Fifty Pounds.

TO the Commissioners of Indian affairs at Albany for their Disbursements & Expences to & concerning the Six nations & other Indians, and for Presents to them as occasions may require for the Publick Service of the Colony and to confirm Them in the Brittish Interest, from the first day of September Last past, To the first of September, which will be in the Year One Thousand Seven Hundred & Forty two, the Sum of One Hundred & Seventy Pounds.

AND for Extraordinary Incidents at this Critical Juncture, the Sum of Thirty Pounds more.

TO Arent Stephens for himself & the other Persons that have been sent with him by order & for the Service of this Government to the Senecas Country, and Residing in it from the first Day of September in the year one Thousand Seven Hundred & Forty, to the first Day of September in this present year one Thousand Seven Hundred & Forty one, as well to Amend the Arms of the Indians of that Nation, & to confirm them in the Brittish Interest, as to prevent the French to make any Settlement in that Country the Sum of Eighty Pounds.

TO Lawrence Clausen for his Salary as Indian Interpreter, and for all other Services, that he has been or may be Directed to do by the Governour or the Commissioners of Indian affairs, from the first of September Last Past, To the first day of September, which will be in the Year, one Thousand Seven Hundred & Forty two, the Sum of Ninety Pounds; and after that Rate if by Death or otherwise, He should not perform that Service to the time Last Mentioned.

TO the Reverend Henry Barcklay for his Care Dilligence and Industry to Instruct the Indians in the Christian Religion, and in reading & writting, and thereby Confirming them in the Brittish Interest, the Sum of Twenty Pounds, and his receipt Shall be to the Treasurer a good Voucher & Discharge for the Said Sum.

TO James De Lancey Esq'r as chief Justice of the Supream Court of this Colony, and for his going the Circuits in the Several Counties thereof from the first of September Last past, To the first day of September which WILL be in the Year One Thousand Seven Hundred & Forty two, the Sum of Three Hundred Pounds, and after that Rate if by Death or otherwise He should not hold that Post so long as to the time Last mentioned.

TO Frerick Phillipse Esq'r as Second Justice of the Said Supream Court & for his going the Said Circuits, from the first of September Last, To the first day of September, which will be in the year, one Thousand Seven Hundred & Forty two, the Sum of one Hundred pounds, and after that rate if by Death or otherwise, He should not hold that Post so long as to the time Last mentioned.

TO Daniel Horsmanden Esq'r as Third Justice of the Said Supream Court, and for his going the Circuits, when there Shall happen to be occasion for it, from the first of September Last, To the first day of September which will be in the Year one Thousand Seven Hundred & Forty two, The Sum of Fifty pounds, and after that rate if by Death or otherwise he should not hold that post so Long as to the time Last mentioned.

TO the Secretary of this Colony for the time being for Enrolling and Engrossing the Acts of the General Assembly, from the first of September Last, To the first Day of September which will be in the Year one Thousand Seven Hundred & Forty two, the Sum of Thirty Pounds.

TO the Clerk of the Council for the time being, for his Services & attendance on the Council, during the Sitting of the General Assembly, & for all Publick Services performed or to be performed by him in that Station, from the first of September Last, To the first day of September, which will be in the Year one THOUSAND Seven Hundred & Forty two, the Sum of Thirty Pounds.

TO the Door keeper of the Council for the time being for his Services in that Station from the first of September Last, To the first Day of September which will be in the year one Thousand Seven Hundred & Forty two, the sum of Twenty pounds.

TO William Bradford as Publick Printer, for Printing the Votes, Proceedings and Acts of the General Assembly, and Delivering a Set of the Said Acts to Each of the Members



thereof, and to Each Councillour, as Likewise to Each of the County Clerks for the use of the Counties, and for Printing Proclamations and all other Publick Acts of the Government from the first of September Last To the first Day of September which will be in the Year one Thousand Seven Hundred & Forty two after the rate of Fifty pounds pr annum.

TO Samuel Heath the Land & Tide Waiter of the Colony Duties, or to the Land & Tide Waiter thereof for the time being, from the first of September Last, to the first day of September which will be in the year one Thousand Seven Hundred & Forty two, after the rate of Thirty pounds pr annum.

TO John Kip for his Services as Guager of Liquors Subject to the Said Duty, or to the Guager thereof for the time being, From the first of September Last, To the first day of September, which will be in the Year One Thousand Seven Hundred & Forty two, after the rate of Thirty pounds pr Annum.

TO George Duncan Clerk of the General Assembly, or to the Clerk thereof for the time being, as well for his Services in that office and all Incidents to it, as for Engrossing all Publick Acts & finding Paper for it, from THE first of September Last, To the first Day of September which will be in the Year one Thousand Seven Hundred & Forty two, at the rate of Twelve Shillings a Day, payable upon a Certificate of the General Assembly Signed by the Speaker, for the number of Days he has Served or may Serve in Each Setting or Session.

TO Alixander Lamb door keeper to the General Assembly, or to the Door keeper thereof for the time being from the first of September Last to the first day of September which will be in the Year one Thousand Seven Hundred & Forty two, at the rate of Five Shillings pr Diem Payable upon a Certificate from the General Assembly Signed by the Speaker for the Number of Days he has Attended or may attend that Service in Each Sitting or Session out of which Sundays are to be Deducted.

TO the Said Alixander Lamb for mending Chairs & Glass Windows in the Assembly Chamber, & for cleaning & other Disbursements for the Same, the Sum of Three pounds Twelve Shillings & Six pence & his Receipt for It Shall be a good Voucher & Dicharge to the Treasurer for that Sum.

TO Coll<sup>o</sup> John Lott for himself Mr. Cornell & Mr. Stillwill for the Expence of Three Beacons Erected by them in Pursuance of an Act of Assembly, at the Respective Places

therein Mentioned, the Sum of Four pounds Ten Shillings and a Receipt for it from the Said Coll'o Lott, Shall be to the Treasurer a good Voucher & Discharge for the Said Four Pounds Ten Shilling.

TO John Tenbrook the Sum of Thirty pounds in Consideration that by his Assisting in the Endeavours to Extinguish the Fire in Fort George at the time all the Buildings in it were burnt Down, he was by the Breaking of a Ladder, So far disabled as to render him unable to maintain his Family, And his Receipt for the Same Shall be to the Treasurer a good Voucher & Discharge for the Said Thirty pounds.

To Josiah Parker for a Cable & a new Rope taken from on board of his Sloop, and Ruined by being used to Pull down Some Buildings at the Time of the Fire above Mentioned, the Sum of Ten pounds and his Receipt for it, Shall be to the Treasurer a good Voucher & Discharge for the Said Ten pounds.

TO Thomas Wenman for his Services & Expences in going to Huntingtown in Suffolk County in February Last, by a Warrant of one of the Justices of the Supream Court to apprehend one Langdon and one Skidmore for Passing Counterfeit Bills of Credit of this Colony, the Sum of Three pounds Eleven Shillings & four Pence, and his Receipt for the Same, Shall be to the Treasurer a good Voucher and Discharge for the Said Three pounds Eleven Shillings and four pence.

TO Catherine Crannell Widow of Robert Crannell Deceased Late Serjeant at Arms to the General Assembly, the Sum of Six pounds Ten Shillings in Consideration that Her Said Late Husband did in the Year One Thousand Seven Hundred & Thirty Eight, by an order of THE House go to Ulster County at his own Charge & Expence without having Received any Sattisfaction for the Same & a receipt from the above named Catherine Crannel, Shall be to the Treasurer a good Voucher & Discharge for the Said Sum of Six pounds Ten Shillings.

AND Whereas it has been Recomendod to the General Assembly by his Honour the Lieutenant Governour to Victual & Transport to the American Regiment in the West Indies Such Recruits as may be Raised in this Colony. And the officer who is Sent by General Wentworth for Levying Them, having Declared that he has already Inlisted upwards of Sixty Men, and does believe that He Shall be able to make Them up to a Hundred in a Short time. And the Said Assembly being Desirous



to give a further Proof of their Loyalty by Promoting the good Service for which the Said Recruits are Intended, Be it Enacted by the Authority aforesaid, That there Shall be & hereby is applied a Sum not Exceeding the Sum of Five Hundred Pounds, Payable by the Treasurer (out of the moneys herein first Mentioned) to & for Transporting & Victualing the Said Recruits in Manner following; That is to Say, Upon Producing to him a Certificate or Certificates Signed by the owner or owners, and the Master or Masters of the Vessell or Vessells in which Such Recruits are Intended to be Transported. The Exact number of Men (Mentioning their names and Sir Names) That Shall Bonafide be Shiped of in Such Vessell or Vessells; with a Promise therein that They Shall be Victualled with good wholesome Provision according to the Kings full allowance, until they Shall be Landed AT Such Place or Places in the West Indies as Shall be Directed by the Said Lieutenant Governour or the Said officer, and that They Shall be well accommodated in their Passage Thither. And for Four Recruits already carried off in the Sloop Ann, a Certificate from her owners Shall be Sufficient, And for every Effective Man which Shall be Certified in manner as Aforesaid to be Shiped off the Said Treasurer Shall Pay to the Respective owner or owners of the Vessell or Vessells They Shall be Shiped of in, at the Rate and Rates that Shall be agreed for, not Exceeding the Sum of Five Pounds for each Man; Always Provided that the whole amount of Such Transportation & Victualing Shall not Exceed the before Mentioned Sum of Five Hundred pounds, and Proper Receipts from the Said owner or owners Endorsed on Such Certificate or Certificates as aforesaid, Shall be to the Said Treasurer good Vouchers & Discharges for so much as Shall So be acknowledged to be Received, Provided the whole thereof Shall not Exceed the Said Sum of Five Hundred Pounds.

AND to Abraham De Peyster Esq'r Treasurer of this Colony for the Services he has Performed, and Shall Perform in that office, from the first of September Last past, To the first day of September which will be in the Year of our Lord, one Thousand Seven Hundred & Forty two, The Sum of two Hundred Pounds

AND for the Due and orderly Payment of the Several Articles allowed in this Act, from & to the time Last Mentioned, Be it Enacted by THE Authority aforesaid that the Several allow-

ances hereunder Mentioned Shall be upon Warrants to be Issued in Council, Signed by the Governour or Commander in Chief for the time being, by and with their advice & Consent at the time & times following, That is to Say.

THE Articles to the Captain General to the Present Lieutenant Governour, and for his House Rent, To the Three Justices of the Supreme Court, To the Indian Interpreter, To the Secretary, To the Clerk of the Council, To the Door Keeper of the Council, To the Printer, To the Land & Tide Waiter, and to the Guager, Quarterly Either from the first of September Last, or from the Particular Times Mentioned in the Allowance of any of the Said Articles, AND for the Articles, For Fire Wood & Candles in New York & Albany, For the Commissioners of Indian Affairs, and to Arent Stephens, after the Thirteenth of June next, And for the Articles, for Presents to the Indians & for the Voyage to Albany, when the Governour or Commander in Chief Shall be going Thither to Renew the Treaty with the Six nations of Indians there.

BE it Enacted by the Same Authority, That every Such Warrant & Warrants as Aforesaid, Issued at the time & times above Mentioned for the Respective Sum & Sums allowed in this Act, Shall be Paid by the Treasurer out of the Money hereby applyed for that Purpose, to the Person & Persons to whom the Same Shall be made Payable, or to his or their Assigns; and his or their Receipt thereon Shall be to the Said TREASURER a good Voucher & Discharge in Law for so much as thereby Shall be Acknowledged to have been so Received, Provided the Same do not Exceed the Respective Sum or Sums allowed in this Act.

BE it Provided and Enacted by the Authority aforesaid, That If the Said Captain General Should happen not to arrive here, or to Die Afterwards, Or that the Present Lieutenant Governour Should Die or be Superceeded in the Administration of this Government; or that any of the before Mentioned officers Should happen to Die or be Removed from their Respective offices before the first day of September which will be in the Year One Thousand Seven Hundred & Forty two, Warrants may be Issued in Council in manner as Aforesaid for so much only out of the Respective Sum or Sums Allowed in this Act, as at the time of Such Death, Superceeder or Removal Shall Bona fide be then Due to him or Them. And if Such Warrant or Warrants do not Exceed what may, then be in Arrear, the



Treasurer is to Pay the Same to him & them Respectively, or to his or their Executors Administrators or Assigns, and the Remainder of Such allowance & allowancies is to be kept in the Treasury till Disposed of by Act or Acts thereafter to be Passed for that Purpose.

BE it Enacted by the Authority aforesaid, That if by mistake or otherwise any Warrant or Warrants might Issue in manner as Aforesaid, for any matter or thing not Provided for in this Act or EXCEEDING any of the Sums allowed in it, and that the Same Should be Tendered to the Treasurer for Payment, It Shall be Lawfull for him, and he is hereby Required not to Pay the Same, And if any Suit or Action Should be brought against him for Refusing to Pay Such Warrant or Warrants, He may Plead the General Issue & give this Act in Evidence, and if a Verdict pass for the Defendant, or the Plaintiff be nonsuit or forbear Prosecution, the Defendant Shall have Treble Cost, to be Recovered as in other Cases where Costs are given by Law to Defendants.

BE it Enacted by the Same Authority, That the Clerk & Door Keeper of the General Assembly, Shall be paid by the Treasurer upon their Producing the Certificates herein before Mentioned, And their respective Receipts thereon Shall be to the Said Treasurer a good Voucher & Discharge for so much as Shall in Such Receipts be Acknowledged to be Received, Provided the Same do not Exceed the Rates hereby Severally Allowed to Each of Them. And that the Allowances following, vizt. To Mr. Barclay, to Collo Lott, to John Tenbrook, To Josiah Parker, To Thomas Wenman, The Additional Article to Alixander Lamb, The Article to Mrs. Crannel, and the Allowance for Victualling & Transporting Recruits, Shall by the Treasurer be Paid to them Respectively in the Manner herein before Directed. And that the Two Hundred Pounds allowed in this ACT to the said Treasurer for the Services and for the time herein before Mentioned, Shall be a good Discharge to him for so much in his Accounts.

BE it further Enacted by the Authority Aforesaid, That when all the Several Articles allowed in this Act Shall be Paid and Discharged, in the manner therein Directed, out of the moneys hereby applied for that purpose, all the Remainder of the Said Monies, Shall be kept in the Treasury, until the Same Shall be applied & disposed of, to and for the Support of this Government by Act or Acts hereafter to be Passed for that Purpose.

**AND** be it Enacted by the Same Authority, That the Treasurer Shall keep Exact Books of the Several Payments, Which by this Act He is Directed to make, and to Render true Accounts thereof upon oath to the Governour or Commander in Chief for the time being to the Council, or to the General Assembly, when by them or any of them thereunto Required

[CHAPTER 718.]

[Chapter 718 of Livingston & Smith and Van Schaack, where the act is printed in full. Revived by chapter 791. See chapter 33, and 134.]

An Act to oblige all Persons that Shall come to Inhabit or Reside in the City of New York, In order to Expose any Goods Wares or Merchandizes to Sale, at any time after the annual Assessment made for the Tax for the Maintainance of the Minister & Poor of Said City, to Pay their due Proportion Towards the Same.

[Passed, November 27, 1741.]

**WHEREAS** by two Acts of the General Assembly of this Colony, The one Intituled an Act for Settling a Ministry & raising a Maintenance for Them in the City of New York, County of Richmond West Chester & Queens county, and the other Intituled an Act for the better Establishment of the Maintainance for the Minister of the City of New York. It is among other things Enacted to the Purpose following, That is to Say, That on the Second Tuesday in January in Every Year The Freeman & Freeholders of the Said City, Shall Choose Ten Vestry Men who within two Months thereafter are Required, to Lay an Equal Tax on the Inhabitants of the Said City, for the Maintenance of the Minister and Poor thereof. **AND WHEREAS** many Persons having considerable Personal Estates Frequently come to Reside in the Said City, after the Said Tax is Layd and the Assessments made & completed, who contribute nothing Towards the Maintenance of the Minister & Poor of the Said City, For the remedying whereof the General Assembly humbly Pray that it may be Enacted, and,

**BE** it Enacted by his Honour the Lieutenant Governour the Council & General Assembly, and it is hereby Enacted by the Authority of the Same, That the Vestry Men of the City of New York for the time being, Shall and They are hereby Re-



quired, once in every Month after the aforesaid Tax for the Maintainance of the Minister & Poor of the Said City is Layd & the assessments made & completed, until the Month of December then next following, to make Dilligent Enquiry in their respective Wards, for which They Shall be CHOSEN Vestrymen, For all Persons who Shall come to Inhabit or Reside in their Said Wards, In order to Expose any goods Wares or Merchandizes to Sale, That have not been Taxed or assessed in the Said assessments, and Shall Demand of Such Person or Persons so coming to Inhabit or Reside therein, a Just & true Account upon the Oath or affirmation of Such Person or Persons of the whole amount or Value of all the Goods Wares & Merchandize Which Such Person or Persons Shall bring into the Said Ward, and that thereupon the Said Vestryman or Vestrymen of Such Ward, Shall Rate and Tax Such Person or Persons so coming into Such Ward in the Same manner & Proportion, as the other Inhabitants were Rated & Taxed, That is to Say, The Same Sum for Every Five pounds of the whole amount of the Goods, Wares and Merchandizes, So by him Her or Them brought into the Said Ward, as the other Inhabitants are by the assessment before made to Pay for Every Five pounds their Estates Shall be Rated at, and that thereupon Such Vestryman or Vestrymen Shall Deliver in writting under His or their hands to the Constable of their Respective Wards, who Shall be appointed and Impowered to Collect the Tax for the Maintainance of the Minister & Poor, the Name & Sirname of Such Person or Persons so coming into their Ward, with the whole amount of the Goods Wares & Merchandizes so by them brought into Such Ward & Sworn or affirmed to as aforesaid, and the Sum Such Person or Persons is Rated or Taxed at, which Sum or Sums of Money Such Constable is hereby authorized & Directed forthwith to Collect & Pay the Same into the hands of the Church Wardens of the Said City for the time being to be BY Them applied Towards the Maintainance of the Minister & Poor of the Same City, in the Same Manner as by the before recited Acts They are to Collect & Pay the Tax for the Minister & Poor as aforesaid.

ALLWAYS Provided that none of the Persons before Mentioned Shall be Lyable to Pay Towards the Tax aforesaid, any more or oftner than once within the Space of one year, any thing herein before to the contrary thereof notwithstanding.

AND be it further Enacted by the Authority Aforesaid, That every Person & Persons, who Shall come to Inhabit or Reside in any or Either of the Wards of the Said City, in order to Expose any Goods Wares or Merchandizes to Sale as aforesaid, after the Tax for the Maintainance of the Minister and Poor of the Said City is Layd and Assessment made as aforesaid and Shall Refuse Neglect or Delay to Deliver to the Vestryman or Vestrymen of Such Ward, when thereunto by him or them Required, a Just and True Account upon his or her Oath or affirmation, of the whole amount or Value of all the Goods Wares and Merchandize So by him or Her brought into the Said Ward, Shall Forfeit & Pay to the Church Wardens of the Said City for the use of the Poor thereof, The Sum of Five pounds, Currant money of this Colony, and if not paid within Six Days after Demand made, To be Recovered by Action of Debt, Bill Plaint or Information in any Court of Record within the Same Colony wherein no Essoyn, Protection Wager of Law or more than one Imparlanche Shall be allowed.

AND be it further Enacted by the Same Authority That every Person who Shall hereafter be Chosen a Vestryman for the Said City and Shall Neglect or Refuse to do what is Required of Them by this Act, Shall Forfeit and Pay the Sum of Five pounds Currant money of this Colony to be Recovered Paid and applyed as aforesaid.

This Act to Remain in Force from the Publication thereof until the Twenty Fifth of March, which will be in the year one Thousand Seven Hundred & Forty Five.

[CHAPTER 719.]

[Chapter 719 of Livingston & Smith. where the act is printed in full. Chapter 719 of Van Schaack, where the title only is printed. Continued by chapter 772. Repealed by chapter 941, and therein provided for.]

An Act for mending & keeping in Repair the Publick Wells and Pumps in the City of New York.

[Passed, November 27, 1741.]

WHEREAS the Inhabitants of the City of New York have at a very great charge & Expence Supplied Themselves with Fire Engines, Leather Buckets, Poles, Hooks, Ropes, Ladders, & other necessary Tools and Instruments for the Extinguishing of Fires, But that notwithstanding Such Provision, and all Dilligence used by the good Inhabitants of the Said City (who



are Remarkably Serviceable on all accidents of Fires) Unless proper care be taken that the Publick Wells & Pumps in the Said City be put and constantly kept in good Repair So that a Sufficient Supply of water may be had in case of Such accidents Least many of the good Inhabitants may be utterly Ruined & Impoverished.

BE it therefore Enacted by his Honour the Lieutenant Governor the Council and the General Assembly, and it is hereby Enacted by the authority of the Same, That it Shall & may be Lawfull for the Aldermen & assistant of each respective Ward of the Said City, for the time being, on the South Side of Fresh Water and the said Aldermen & assistant of each respective Ward in the Said City on the South Side of Fresh Water, are hereby Required and directed within Fourteen days after the Publication of this Act, and so on the first Tuesday of September in every year during the continuance of this act, To visit & view the Several Publick Wells & Pumps in their Several & respective Wards, and to appoint Such Person as they Shall think most fitting (being an Inhabitant in the neighbourhood of each Respective Well or Pump) to be overseer thereof, of which appointment within Three Days thereafter the SAID Aldermen & Assistant of each respective Ward as aforesaid, Shall give notice in writting to each of the Several Persons so by them appointed overseers of the Said Wells and Pumps, and that at the same time Each respective Aldermen & Assistant as aforesaid Shall direct Limit & appoint to which & how many Houses each of the Said Publick Wells & Pumps Shall belong, and if any Publick Well or Pump Shall stand in any Street where two or more Wards Joyn, The aldermen & Assistant of each of the Said Wards so Joyning, or the Major part of them, Shall Settle direct Limit and appoint to which & how many Houses in Each of Such Wards, Such Well or Pump Shall belong, and Shall appoint Such overseer as aforesaid.

AND be it further Enacted by the authority aforesaid, That Each & every of the Person so appointed overseers as aforesaid, Shall within Eight days after his appointment, cause Such Well or Pump of which he is Overseer to be put into good order & Repair, and so to keep & maintain them from time to time so long as they Shall continue overseers as aforesaid, & Shall from time to time cause new Pumps to be put into Such Wells as the Said Aldermen & Assistant of the Ward or Wards aforesaid Shall Judge necessary.

AND be it further Enacted by the authority aforesaid, That on the Said first Tuesday of September in every year, Each of the Said Persons so appointed overseer of Each respective Well or Pump as Aforesaid, Shall deliver to the aldermen of the Ward or Wards in which Such Well or Pump is, a Just & true account upon Oath of all the money so by him Lay'd out and Expended for the Repairs of Such Well or Pump, or putting in & keeping in Repair any new Pump, and that within Eight days thereafter Each and EVERY of the Said Aldermen as aforesaid Shall deliver Such account so brought in & Sworn to as aforesaid to the overseers for the time being of the respective Wells, who Shall thereupon within Eight Days next After, assess the Estates Real & Personal of all & every the Freeholders Inhabitants & Residents of the Several & Respective Houses to which each of the Said Wells & Pumps Shall by the Aldermen & Assistant, or aldermen & assistants as aforesaid be Limited & Appointed to belong to the full amount in the whole of Each Respective account of Each Well & Pump as aforesaid in their Several & Respective Wards, Together with the Sum of one Shilling in the pound for each of the Overseers of the Said Wells which Several and Respective Assessments, Shall within the time hereinbefore Limited be delivered by the Said overseers of the Respective Wells, to the Aldermen of Each respective Ward, or if between two Wards, To the Aldermen of such two Wards AND that the Aldermen of Each respective Ward, or Aldermen of the two Wards as the case may happen Shall within Eight days after the Delivery to Them respectively of the Said Assessments, sign the Same and Redeliver them to the respective overseers of the respective Wells in the Respective Wards, who are hereby authorised, Directed & Required forthwith to Collect the Same.

AND be it further Enacted by the Same Authority That if any Person or Persons Shall Refuse, neglect, or Delay to pay to the Respective overseers, the several & Respective Sums at which He She or They shall be Rated & assessed at, That then it Shall & may be Lawfull for the Said OVERSEERS to Levy the Same by Distress & Sale of the goods & Chattells of such Person or Persons who Shall neglect, Refuse or Delay to pay the Same Immediately. Restoring to the owners the overplus (if any be)

AND be it Enacted by the authority Aforesaid That th aldermen of Each Respective Ward for the time being, Shall have Power & authority by virtue of this act, and are required



administer an oath to the overseers of their Respective Wells, well truly Equally, Impartially & in due Proportion according to the best of their understanding, To assess & Rate all & every the Freeholders, Inhabitants & Residents of the Respective Houses Appointed for each respective Well, for which They are appointed overseers.

AND be it further Enacted by the Authority Aforesaid, That if any Person or Persons who Shall be appointed by the Aldermen and Assistant, or Aldermen & assistants as aforesaid, Overseers of a well or Pump as aforesaid, Shall deny, neglect or Refuse to do what is Required of Them respectively by this Act, Shall for Such offence, Forfeit & pay the Sum of Five Pounds, current money of this Colony, to be recovered by action of Debt, Bill, Plaint or Information in any Court of Record, within this Colony (wherein no Essoyn Protection or Wager of Law or more than one Imparliance Shall be Allowed) By any Person who Shall Sue and Prosecute for the Same, one half of which Forfeiture Shall be paid to the Treasurer of the Said City & applied Towards repairing Such Publick Wells & Pumps as the MAYOR, Recorder Aldermen & Assistants of the Said City convened in Common Council, or so many of them as make a Common Council Shall Direct & appoint, and the other half to the Person who Shall Sue and Prosecute for the Same to Effect.

AND for as much as Disorderly Persons have Frequently been guilty of cutting the Well Roaps & breaking the Handles of Pumps & doing other Mischiefs to the Same, For preventing of which for the future. BE it Enacted by the Authority aforesaid, That if any Person or Persons Shall willfully or maliciously cut any of the Publick Well Roaps, or do any other Hurt or Damage to any of the Said Wells or Pumps and Shall thereof be Convicted before the Mayor or Recorder or before any two of his Majesties Justices of the Peace of the Said City, Shall be Liable to the Fine of Forty Shillings for Such offence, to be recovered by Warrant under the hands & Seals of Such respective Magistrates, before whom He She or They were so Convicted one half whereof to ye use of the Person or Persons that Shall Prosecute the Defaulter to Effect, & the other half to the use of Such Wells or Pumps as Shall so be Damaged & upon Refusal of Payment, He She or They Shall be Committed to Goal, there to Remain for the Space of one month or till the Fine is paid And be it further Enacted that this Act Shall continue in force for three years from and after the Publication thereof and no longer.

[CHAPTER 720.]

[Chapter 720 of Livingston & Smith and Van Schaack, where the act is printed in full. Made perpetual by chapter 836.]

An Act for the Returning of Able & Sufficient Jurors, and for the better Regulation of Juries.

[Passed, November 27, 1741.]

FOR the returning more able & Sufficient Jurors, for Trials at Law hereafter to be had, and for Reformation of Abuses in Sheriffs, and other Ministers, who for Reward may be Tempted to Spare the most able, & Sufficient, and Return the Poorer and Simpler Freeholders & others Less able to discern the Causes in Question and to bear the Charges of appearance & attendance thereon.

BE it Enacted by his Honour the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That all Jurors (other than Strangers upon Tryals per Medietatem Lingue) who are to be Returned upon Trials of Issues joined in his Majestys Supream Court of this Colony, or in the Court for Trial of causes brought to Issue in the Supream Court, Or in the Courts of Mayors & Aldermen, or in any other Inferiour Courts of common Pleas within the Same, or before any Justices of Assize or Nisi prius, Oyer and Terminer, Goal Delivery, or General or Quarter Sessions of the Peace, in any City or County within the Said Colony from & after the Twenty Fifth Day of March which will be in the Year of Our Lord One Thousand Seven Hundred & Forty two, Shall every of them (being above the age of Twenty one, and under the age of Seventy years) Then have in their own name or Right, or in Trust for them, or in their wives right within the Same City or County, a Freehold in Lands Messuages or Tenements or of Rents in Fee, Fee Tail or for Life, of the value of Sixty pounds, Free of all Reprizes or Incumbrances whatsoever, and within the City & County of NEW YORK a Freehold of the value aforesaid, or a Personal Estate of the like value, Free of all Debts, Dues or Demands; all which persons having Such Estate as aforesaid, are hereby Enabled & made Liable to be Returned & to Serve as Jurors for the Trials of Issues before the Judges Justices & Courts aforesaid any Law to the contrary NOTWITHSTANDING and if any Person of a Lesser Estate and Value as aforesaid, Shall be respectively Returned upon



any Such Jury, or Tales in default of such Jurors, It shall be a good cause of Challenge and the Party return'd Shall be discharged upon the Said Challenge, or his own allegation & oath thereof, and that the above mentioned Method for returning of Jurors may hereafter be Duly observed, The Writ of Venere facias Juratores, which Shall at any time from & after the Said Twenty fifth Day of March be Awarded & directed for the Impannelling of Juries in cases as aforesaid within any County in the Colony aforesaid Shall have Mentioned in the Body thereof the words following, That is to say.

[Twelve Free & Lawfull men of the County of which each of Them Shall have in his own Name or Right, or in Trust for them; or in their Wives Right a Freehold in Lands Messuages, or Tenements, or of Rents in Fee, Fee Tail, or for Life, of the value of Sixty Pounds, Free of all Reprizes, Demands or Incumbrances whatsoever.]

AND in the City & County of New York the words following: That is to Say.

[Twelve Free & Lawfull Men of the City & County of New York of which each of them Shall have in his own name or Right or in Trust for them; or in their Wives Right, a Freehold in Lands, Messuages or Tenements; or of Rents in Fee, Fee Tail or for Life; or a Personal Estate of the value of Sixty Pounds free of all Reprizes Debts demands, or Incumbrances whatsoever.]

AND the preamble & Residue of the said Respective Writs, Shall be in the usual Form, and that upon every Such Writ & Writs of Venire facias Juratores, The Sheriff Coroner, or other returning officer or officers in each respective City, Borough, Town Corporate, or County within the Said Colony, unto whom the making the Panell of Jurors Shall appertain, Shall not return any Person in any Such Pannel, unless he shall be so Qualified as aforesaid.

AND that the Summons of Persons so qualified for the Service aforesaid according to the Intention of this Act may be attended with greater Certainty. BE it further Enacted that every Summons of any Person so qualified to any the Services aforesaid Shall be MADE by the Sheriff, his officers or Lawfull Deputy Six days at the Least before the time of the Service required for any Jury.

AND to the End the Respective Sheriffs may be the better Enabled to Summon Jurors qualified according to the Intent and

direction of this act. BE it Enacted that the Several County & Town Clerks Shall upon application to Them made by the Respective Sheriffs Deliver to them a Coppy of the Last assessment in such Place or Places or to permit Them to Transcribe a Coppy thereof, and where Such Clerks have no Compleat assessments, the Several Assessors Shall upon Such application of the Sheriffs either give them a Coppy of their last assessment or permit him or them to take a Coppy thereof.

AND for preventing of Abuses by Sheriffs under Sheriffs or Deputys, Bailiffs or other officers concerned in the Summoning or Returning of Jurors BE it Enacted by the authority aforesaid, That no Person or Persons Shall be Returned as Jurors to serve on Trials at any of the Courts before Mentioned who have Served therein within the Space of one year before (The Several Mayors Courts Excepted) and if any Sheriff under Sheriff or Deputy Shall wilfully Transgress therein, The Judge or Judges Justice or Justices of the Court to which such Return Shall be made, may & are hereby required on Examination & Proof of Such offence in a Summary way to Sett a Fine or Fines upon every Such offender not Exceeding the Sum of Forty Shillings for any one offence.

AND be it further Enacted, That no Sheriff, under Sheriff, Bailiff or other officer to whom the Return of Juries Shall at any time belong Shall Directly or Indirectly take or receive any money or other Reward to Excuse any Person from Serving or being Summoned to Serve on any Jury, or under that colour or Pretence, and if any Sheriff under Sheriff Deputy Bailiff or other officer, Shall wilfully Transgress herein, any Judge, Justice or Justices of any the Courts aforesaid, may and hereby are Required & Directed on Examination, & Proof of Such offence in a SUMMARY way to Sett a Fine or Fines upon any Person or Persons so offending as He or they Shall think meet, not Exceeding Five pounds according to the nature of the offence.

AND be it further Enacted, That from and after the said Twenty Fifth Day of March, Every Sheriff or other officer to whom the Return of the Writ of Venire facias Juratores for Trial of Causes in his Majestys Supreme Court of this Colony, or any other of the Courts before Mentioned Shall upon his Return of every Such Writ (Unless in Cases where a special Jury Shall be Struck by order or Rule of Court) Annex a Pannel to the said Writ, containing the names Additions & Places of abode of a Competent Number of Jurors so qualified



as aforesaid to Serve on Juries, the Names of the Same Persons to be Incerted in the Pannel Annexed to Every Venire facias Juratores, for the Trial of all Issues at any of the Courts herein before Mentioned in each respective City & County, Borough or Town Corporate, which number of Jurors, Shall not be Less than Forty Eight nor more than Seventy Two without the Direction of the Judge or Judges of Such Court or Courts, or of the Judge or Judges appointed to go the Circuit & Sit as Judge or Judges of assize, or nisi prius, or of the Courts of Oyer & Terminer and general Goal Delivery in Such County or Place, where such Cause or Causes are to be Tryed who are Respectively hereby Impowered & Required, If he or They See cause, by order under his or their Respective hand or hands, To direct a greater or Lesser number, And then Such number as Shall be so directed Shall be the number to Serve on Such Jury.

AND in order that Such Judge or Judges may be the better Enabled to direct (according to the Intent of this Act) What number of Jurors are necessary to be Summoned, the Party or Partys in any Cause or Causes which may be at Issue in any of the Courts aforesaid or his attorney or attorneys, Shall at the Same time they give notice of Tryal to the Party or Attorney on the other side, give the LIKE notice in writing to the Judge or Judges before whom Such Suit or Action is Tryable.

AND the writs of Habeas Corpora Juratorum, or Distringas Subsequent to Such Writ of Venire facias Juratores need not have Incerted in the Bodys of Such Respective Writs, the names of all the Persons contained in Such Pannel, But it Shall be Sufficient to Incert in the Mandatory parts of Such writs Respectively [The Bodys of the Several Persons named in the Pannel to this Writ Annexed] or words of the like Import And to annex to such writs respectively, Pannels containing the Same names as were returned in the Pannels to Such Venire facias Juratores with their Additions & Places of abode, That the Partys concerned in any Such Trials may have timely notice of the Jurors who are to Serve, In order to make their Challenges to them, If there be Cause: And that for the making the Returns, & Pannels Aforesaid, and annexing the Same to the Said respective Writs, no other Fee or Fees Shall be taken, than what are now allowed by Law to be taken for the Return of the like Writs, and Pannels annexed to the Same. And every Sheriff or other officer to whom the Return of the Venire facias Juratores Shall at any time hereafter belong Shall upon Application made

to him for that Purpose, at any time within Five Days next before the Day on which the Return of the Jury is by Such Writ directed to be made, Deliver or cause to be Delivered, to any of the Party or Partys in any cause to be Tryed by such Jurors, or any Attorney on their behalf a true Coppy of such Pannel of Jurors, certified under his, or their hands to have been Summoned, whose Names Shall be so Incerted in the Pannel to be annexed to Such Writ, with their respective Additions & Places of abode; Such Person or Persons so applying for the Same, paying therefore unto Such Sheriff, or other returning officer giving the Same, the Sum of two Shillings, IN order that the Partys concerned in any Such Tryals to be had by such Jurys may have timely notice & Information of the Jurors, who are to be Returned to Serve in Such Causes to be Tryed and may the better be Enabled to make their Challenges to them if They Shall find cause.

AND Whereas many evil Practices have been used in the Corrupting of Jurors returned for the Tryals of Issues joined to be Tried before the Judges & Justices of the Courts aforesaid, and many Persons lawfully Summoned to Serve on Jurys, have Neglected to appear, to the great Injury of many Persons in their Properties & Estates; In order to prevent the like Practices & neglects BE it Enacted That the name of Each & every Person who Shall be Summoned and Impanneled as aforesaid, with his addition & Place of abode, Shall be written in Several & Distinct pieces of paper or Parchment being all as near as may be of equal Size and bigness, and shall be Delivered unto the Clark of the Supream Court or other Courts aforesaid; and to the Clark of Assize, at the respective Circuit Courts, by the Sheriff, under Sheriff, or Deputy Sheriff, in Each respective City, County, Borough or Town Corporate, or Some agent, or agents of him or them respectively; and shall by Direction & care of Such respective Clarke or Clarks, be rolled up, all as near as may be, in one & the Same manner, and put Together in a Box to be by each Respective Sheriff provided for that purpose; and when any Cause Shall be brought on to be Tried, Some Indifferent Person, by Direction of the Court may & Shall in open Court Draw out Twelve of the Said Papers, or Parchments, one after another, and if any of the Persons whose names Shall be so drawn, Shall not appear, or be challenged and Set aside, Then Such further number thereof Shall be Drawn, as shall make up the Number Twelve who do appear, after all causes of



Challenge allowed, as FAIR & Indifferent; and the Said Twelve Persons so first drawn & appearing and approved as Indifferent, their names being marked in the Pannel & they Sworn, Shall be the Jury to try Such Cause, and the names of the Persons so drawn & Sworn Shall be kept apart by Themselves in Some other Box to be kept & provided as aforesaid for that Purpose, til Such Jury shall have given in their Verdict, and the Same is Recorded, or until Such Jury Shall by consent of the Partys, or Leave of the Court be discharged and then the Said Names Shall be Roll'd up again, & Returned to the former Box, there to be kept with the other Names remaining at that time undrawn; and so as often as any Cause remains then to be Tried.

PROVIDED Always That if any Cause Shall be brought on to be Tryed in any of the Said Courts respectively before the Jury in any other Cause Shall have brought in their Verdict or be Discharged; It Shall and may be Lawfull for the Court to order Twelve of the Residue of the Said Papers or Parchments, to be drawn in Such manner as Aforesaid for the Trial of the Cause, which Shall so be brought on to be Tried

AND be it further Enacted That every Person or Persons, whose name or names Shall be so drawn as aforesaid, and who Shall not appear after being openly called Three times, upon Oath made by Some credible Person that Such Person so making Default had been Lawfully Summoned, Shall Forfeit & Pay for every Such Default (Unless Some reasonable cause of his absence be proved by oath Affidavit or affirmation to the Satisfaction of the Judge or Judges who Set to Try the Cause) Such Fine or Fines not exceeding the Sum of Three pounds, and not less than Thirteen Shillings & FOUR Pence as the Said Judge or Judges Shall think reasonable to Inflict or Assess. PROVIDED Always that where a View Shall be allowed in any Cause, In Such case Six of the Jurors named in Such Panel or more, who Shall be Mutually Consented to by the Partys, or their agents on both Sides, or if they cannot agree Shall be Drawn in Manner as Aforesaid Before a Judge of the Court wherein the Cause is Depending, Or if need be before the Judge or Judges before whom the Cause Shall be brought in to Trial, Shall have the View, and Shall be first Sworn, or Such of them as appear upon the Jury to Try the Said Cause before any Drawing as first before mentioned and so many only Shall be drawn to be Added to the Viewers who appear, as Shall after

all Defaulters & Challenges Allowed, make up the Number Twelve to be Sworn for the Trial of Such Cause.

AND be it further Enacted That It Shall & may be Lawfull for his Majestys Supreme Court of this Colony, Upon motion made, on behalf of his Majesty his Heirs or Successors, Or on the Motion of any Prosecutor or Defendant in any Indictment, or Information, in the nature of Quo Warranto depending, or to be brought or Prosecuted there, or on the motion of any Plaintiff or Plaintiffs Defendant or Defendants, in any Action Cause or Suit whatsoever depending or to be brought & carried on in the Said Court, and the Said Court is hereby Authorized & Required upon Motion as aforesaid, in any of the Cases before Mentioned, To order & appoint a Jury to be Struck before one of the Judges of the Said Court, for Trial of any Issue joined in any of the said Cases, and Triable by a Jury of Twelve Men, in Such manner as Special Jurys have by Law heretofore been Struck for Tryals at Bar, which JURY so Struck as Aforesaid, Shall be the Jury returned for the Trial of the Said Issue.

AND be it further Enacted That the Person or Party who Shall Apply for Such Special Jury to be Struck as aforesaid Shall bear & pay the Fees for Striking thereof & Shall not have any allowance for the Same upon Taxation of Costs.

AND be it further Enacted That it Shall & may be Lawfull at all times hereafter for any Judge or Justice, Judges or Justices of his Majestys Supream Court of this Colony, and they are hereby authorized fully Impowered & Required To hear Try and Determine, All & all manner of Causes whatsoever arising within any of the Counties, Cities Boroughs & Towns Corporate within this Colony which Shall at any time be Prosecuted & Brought to Issue within the Same Court, At the Several and Respective Circuit Courts which Shall from time to time hereafter be for that purpose Appointed, and that without any Special Commission or Commissions from his Majesty his Heirs or Successors, to be Granted under the Broad Seal of this Colony for that Purpose, or any further or other Commission or Commissions to be at any time Issued on that behalf

And be it further Enacted That the Sheriffs or other officers, to whom the Return of Juries Shall or may at any time belong, for any County, City, Borough, Town Corporate, or place respectively within this Colony, Shall not Impanel or Return any Person or Persons to Serve on any Jury for the Trial of any Capital offence, who at the time of Such Return would not



be Qualify'd by virtue of this Act, to serve as Jurors in Civil Causes for that Purpose, and the Same matter & cause alledged by way of challenge and so found, Shall be admitted & taken as a Principal Challenge, and the Person & Persons so challenged Shall & may be Examined upon Oath, of the Truth of the Said Matter

AND be it Enacted That this Act Shall be openly read once in every Year at the General Sessions of the Peace for every County, City, Borough, or Town Corporate, or Place, where Such Sessions Shall at any time be held within this Colony next after the Twenty Fifth day of March Aforesaid.

THIS ACT to continue & remain of Force from the Said Twenty Fifth day of March Until the Twenty Fifth day of March, which will be in the Year of our Lord one Thousand Seven Hundred & Forty Seven

[CHAPTER 721.]

[Chapter 721 of Livingston & Smith and Van Schaack, where the title only is printed. Repealed and provided for by chapter 907.]

An Act to Revise Digest & Print the Laws  
of this Colony from the Happy Revolution.

[Passed, November 27, 1741.]

WHEREAS the Laws of this Colony, have from time to time been very Incorrectly Printed, & Irregularly bound up, which has often occasioned such Difficulties & Inconveniencies, That the Legislature do conceive the Revisal of all the Said Laws from the Happy Revolution, and the New Printing of Them in one Body on good Paper, will not only remove the Said Difficulties & Inconveniencies, but be of great use and Service to the Publick.

And WHEREAS Daniel Horsmanden Esqr. has Declared his willingness, for the Consideration herein after Mentioned, to undertake so usefull a work as aforesaid, and to collect in one Volum Exact Copys of all the Laws in Force in this Colony from the Said Revolution, to the End of this present Session of the General Assembly, being a Series of about Fifty Three Years, and to Perform the whole, in the manner following. That is to Say, Carefully to Examine Each Act with the original in the Secretarys office, To make Search (where it may be necessary) in the Council books & in the Journals of the General Assembly,

in order to Distinguish, what Acts have had the Royal assent, what are Repealed, and which remain Probationary, To Inert in their order the Titles, of all the Acts passed within the Said Series of Time, distinguishing, if Temporary when Revived, when Expired & when Repealed, To distribute the Acts into Chapters, Each Act a Chapter, & each Chapter Subdivided in Sections & Numbered, To abstract the Substance of Each Section in the Margin, To make of all this a Compleat & fair Copy for the Press and to Examine it in Transcribing, To supervise and correct the Press with the utmost Exactness & attention, To make an Index & Table of all the Principal Matters in the Acts Alphabetically Digested with Referencies to Each Matter in Every Act Section & year of the King to make References from one Act to another where the Matter in one Act may have Relation to a head Matter in another, and Lastly to deliver one Printed Book so compleated bound in Calves Skin to the Governour or Commander in Chief for the time being, one other for the use of the Council, and one other for the use of the General Assembly for the time being.

AND Whereas it is conceived & allowed That the Said Daniel Horsmanden is both capeable & willing to compleat the Said Work in the Manner before Mentioned, Be it ENACTED by his Honour the Lieutenant Governour the Council & the General Assembly, & it is hereby Enacted by the Authority of the Same, That he shall be & hereby is fully authorzied & appointed to do the Same, and that for the better Enabling him to Perform it in the manner before Mentioned He Shall & may from time to time have recourse to the original Acts, the Council books, & the Journals of the General Assembly.

AND Whereas a work so Compleated as aforesaid will be a great Sattisfaction & Benefit to the good People of this Colony, Be it further Enacted by the Same authority, That upon the Said Daniel Horsmandens Producing to the Treasurer of this Colony a Certificate to be Signed by the Governour or Commander in Chief for the time being, & by Three or more of the Council, as Likewise by the Speaker of the General Assembly for the time being, Certifying that the Three before Mentioned books have actually been Delivered & that They take the Same to be Conformable to the True Intent & meaning of this Act, the Said Treasurer Shall thereupon be & hereby is Impowered & Required to Pay unto the Said Daniel Hors-



mandea or to his Assigns, the Sum of Two Hundred & Fifty Pounds Currant Money of this Colony, Out of any Moneys which Shall then be in the Treasury, Granted or to be Granted for Support of this Government, any Law to the Contrary thereof Notwithstanding and a Proper Receipt upon the Said Certificate, Shall be to the Said Treasurer a good Voucher & Discharge for so much as Shall so be acknowledged to be Received, Provided the Same doth not Exceed the Aforesaid Sum of two Hundred and Fifty Pounds

[CHAPTER 722.]

[Chapter 722 of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 25, 1745. Provided for by chapter 790.]

An Act to Restrain disorderly & Unlawfull Gameing Houses in the Colony of New York.

[Passed, November 27, 1741.]

WHEREAS, Gameing in the Colony of New York at Taverns & other Publick Houses for Moneys or Strong Liquor hath by Fatal Experience been found to be Attended with many evil Consequences, not only by Corrupting and Vitiating the Manners of many of the People of the Said Colony Encouraging Them to Idleness, Deceit & many Other Immoralities, but hath moreover a manifest Tendency to the Ruin of many.

BE it therefore Enacted by his Honour the Lieutenant Governor, the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That if any Tavern keeper, Inn Keeper ale house keeper, Victualler, or ordinary keeper, within the Said Colony, from & after the Twenty fifth Day of December now next coming Shall keep or have any Common Billiard Table, Truck Table, or Shuffle board Table, & Shall thereat permit Countenance or Suffer any Person or Persons whatsoever, to Play or Game either by Day or night contrary to the Form & Effect of this Act, Every Such Person so keeping & having such common Billiard Table, Truck Table, or Shuffle board Table, and Shall permit or Suffer the Playing thereon as aforesaid, Shall for Every Such offence Forfeited & Pay the Sum of Twenty Pounds Currant money of this Colony, to be Recovered by Bill Plaint, or Information in any Court of Record within this Colony wherein no Essoyn Protection Wager of Law or more than one Imparllance Shall be allowed

AND be it further Enacted by the Authority aforesaid, That if any Tavern keeper, Inn keeper, ale house keeper, Victualler or Ordinary keeper, or any other Person or Persons whatsoever who do commonly use Selling of wine, ale, Beer, Brandy, Rum, or any other Sort of Strong Liquors, Shall after the Said Twenty Fifth Day of December permit countenance or suffer in their Houses or apartments BELONGING thereto any Youths under the age of Twenty one years, or any apprentice or apprentices Journey Man, Servant or Servants or Common Sailours whatsoever, to Play or game at or with Cards or Dice, Shall for Every Such offence Forfeit & Pay the Sum of Three pounds Currant money of this Colony to be recovered in manner as aforesaid.

AND be it further Enacted by the Same Authority That no Youths under the Age of Twenty one Years, or any apprentice Journey Man Servant or Common Sailour whatsoever, Shall from the Said Twenty Fifth Day of December, Play at Cards or Dice at, or in any Tavern, Inn, or Ale house, or where any Sorts of Wine, ale, Beer, Brandy, Rum, Cyder, Flip, Punch, or any other Sorts of Strong Liquors are usually Sold under the Forfeiture of Six Shillings for every offence, To be recovered before any Justice of the Peace where the offence Shall be committed by Distress & Sale of the goods & Chattels of the offender or offenders with reasonable Costs & Charges & for want of Sufficient distress, the offender or offenders, Shall be Committed to the Common Goal for the Space of Six Days, Unless the Fine or Fines, Forfeiture or Forfeitures be sooner paid with Costs.

AND be it further Enacted by the Authority aforesaid, that all & every the Penalties & Forfeitures, Sum & Sums of Money, which Shall happen at any time or times hereafter to be Incurred & Forfeited by Virtue of this Act, Shall be disposed of in manner following (That is to Say) one half thereof to the Informer who Shall Prosecute & Sue for the Same to Effect, & the other half to the Use of the Poor of the City, Town, County or Precinct in which the offence Shall be committed.

THIS Act to continue & be of Force from the Twenty Fifth of December next until the Twenty Fifth Day of December which will be in the Year of our Lord one Thousand Seven Hundred & Forty Five.



## [CHAPTER 723.]

[Chapter 723 of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 1, 1750. Provided for by chapter 892.]

An Act to Prevent the Killing of Deer out of Season.

[Passed, November 27, 1741.]

WHEREAS it has been found by Experience That whilst Acts Subsisted to prevent the Killing of Deer at unseasonable times they did Contribute very much to preserve their Breed as a Total Prohibition to Kill any of them at all in Some Perticular Places during a Short Term of Years did very much Encrease their number in those Places.

AND WHEREAS of late years there has been so Large a Distruction of Deer in this Colony Throughout the whole Year, Even in the Severest Winters, and Especially in the Last, Th'o neither their Flesh or Skins were of any Value, that the Breed of Them in General, and more Perticularly near Christian Settlements, may Soon Reduce the Remainder to a very Small Number, Unless Suitable Restrictions be made to prevent it

BE it therefore Enacted by his Honour the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That if any Person or Persons after the Publication hereof, Shall kill or Destroy any Wild Buck Doe or Fawn or any other Sort of Deer whatsoever at any time in the months of January February March April or May, Every Such Person Shall for every Such offence Forfeit & Pay the Sum of Thirty SHILLINGS for every Such Buck Doe or Fawn or other Deer so killed or Distroyed as aforesaid, contrary to the true Intent and meaning of this Act, to him or her who Shall Inform and sue for the Same before any one Justice of the Peace in Such County where the offence Shall be Committed, who is hereby Impowered & Required to hear & Determine the Same and to Convict the offender or offenders by the Oath or affirmation of one or more Credible Witnesses Provided That Such Conviction be made within Two Months next after Such offence be Committed

AND for the better convicting of offenders against this Act, Be it Enacted by the Authority aforesaid, That every Person in whose Custody Shall be found or who shall Expose to Sale any green Deer Skins fresh Venison or Deers flesh at any time

In any of the months afore Mentioned, and Shall be convicted thereof as aforesaid Shall be Deemed Guilty of the Said offence.

PROVIDED allways that nothing contained in this Act Shall be Deemed or Construed to hinder any Person from killing any kind of Deer within his Field where Corn is growing at any time, nor to Extend to any Free native Indians (Except on the Island of Nassau) carrying Guns Hunting Killing or having IN their Custody any Skins or Deers flesh for their own Use anything in this Act to the Contrary notwithstanding.

This Act to Continue and Remain of Force until the first Day of December which will be in the Year of our Lord One Thousand Seven Hundred and Fifty.

[CHAPTER 724.]

[Chapter 724 of Livingston & Smith, where the act is printed in full. Chapter 724 of Van Schaack, where the title only is printed. Continued by chapter 800.]

An Act to Encourage the Destroying of  
Wild Catts in the County of Suffolk.

[Passed, November 27, 1741.]

BE it Enacted by his Honour the Lieutenant Governour the Council and General Assembly, and it is hereby Enacted by the Authority of the Same, That from and after the first Day of December next, Whatever Person or Persons, Free man or Slave, Shall take kill & Destroy any Wild Catt or Wild Catts their Catling or Catlings in the County of Suffolk, Shall have & Receive as a Reward for each Wild Catt so taken, killed & Destroyed the Sum of Six Shillings, and for every Such Catling under a year old so taken killed & Destroyed the Sum of Three Shillings.

AND to the End the Reward above mentioned may be truly paid and Discharged, Be it Enacted by the authority Aforesaid, That the Person or Persons taking killing & Destroying any Wild Catt or Wild Catts their Catling or Catlings in the County aforesaid & Carrying the head or heads thereof with the Intire Skin thereon to any one Justice of the Peace of the Said County, (who upon view thereof & Examination of the Party & Circumstances finding the Same to have been Taken, killed & Destroyed in the County Aforesaid) is hereby obliged thereupon to give a Certificate thereof gratis and to Mention therein the name or names of the Person or Persons that had so taken, killed and Destroyed



Such Wild Catt or Wild Catts Catling or Catlings, the time when and to Distinguish which are full grown, and which are under the age of one year, after which the Ears of Such Wild Catt or Wild Catts, Catling or Catlings so Certified, are to be cut of, in the presence of the Said Justice, and such Certificate being Produced to the Supervizors of the Said County, the Said Supervizors Shall and hereby are Obligated at their Annual Meetings, to order the Treasurer of the Said County, To pay unto the Party or Party's so Producing Such Certificate, or to his or their Assigns, the Reward allowed & Established by THIS ACT and the Said Reward Shall be Deemed a County Charge and Raised, Levied Assessed and Collected Together with the other necessary and Contingent Charges of the County aforesaid.

THIS ACT to Continue, Remain and be of Force from the Said first Day of December, until the first Day of December which will be in the Year One Thousand Seven Hundred & Forty Five.

[CHAPTER 725.]

[Chapter 725 of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act to Alter the High Way or Publick Road from the West to the East part of David Coreys Land Running along the Clift or Bank thereof.

[Passed, November 27, 1741.]

WHEREAS David Corey of Southold in Suffolk County in the Colony of New York by his Humble Petition preferred to the General Assembly Setting forth the great Inconveniencies He Lyeth under in respect of the high Way or Publick Road from the West to the East Part of his Land Running along the Clift or Bank about a mile on the North Side thereof the Said High Way or Publick Road being much worn away by Travellers & great Rains for Remedy whereof, BE it therefore Enacted by his Honour the Lieutenant Governour the Council & the General Assembly and it is hereby Enacted by the Authority of the Same, That the Said High Way or Publick Road Shall be & hereby is altered, and that it Shall & may be Lawfull for the Said David Corey his heirs & assigns from the Fifteenth Day of April to the Fifteenth Day of October in Every Year hereafter, To place and hang two good Easy Sufficient Swinging Gates, the one between the Said David Coreys now Dwelling House and

the East Part of his Said Land, The other between his Wind Mill (now being by the Said high Way or Publick Road) and Benjamin Baileys Land Adjoining to the Said David Coreys Said Land, So as the Publick Road hereafter Shall & may Run thr'o the Said David Coreys Improved & Inclosed LAND, He the Said David Corey his Heirs and Assigns within the times aforesaid keeping the Said Swinging Gates & Road through his Said Improved & Inclosed Land in good & Sufficient Repair, at his and their own proper Cost & Charge, any Law usage or Custom to the Contrary in any wise notwithstanding.

AND be it Enacted by the Authority Aforesaid, That in case any Person or Persons Shall either Stake or Shore open, or Stake or block up both or Either of the aforesaid Gates within the Said Times Such Person or Persons, Shall Forfeit for every Such offence the Sum of Ten Shillings to be Recovered by the Commissioners of the high Ways of Southold Aforesaid, and applied Towards repairing Publick High Ways or Roads and pay all Damages with the Costs the Party agrieved Shall Suffer or Sustain thereby, as any of his Majesties Justices of the Peace of the County aforesaid, Shall Determine, whose Determination Shall be a final Judgment

PROVIDED allways that in case the Said David Corey his Heirs and assigns within the times aforesaid Shall not keep the Said Swinging Gates and Roads through his Improved and Inclosed Land in good and Sufficient Repair at HIS and their own proper Costs and Charges, then and in Such Case he and They Shall have no Benefit and Advantage of this Act, any thing contained therein to the Contrary notwithstanding.

#### [CHAPTER 726.]

[Chapter 726 of Livingston & Smith and Van Schaack, where the act is printed in full. Amended as to Suffolk, Queens, and Westchester counties by chapter 1527.]

#### An Act for Returning neat Cattle and Sheep to their Owners.

[Passed, November 27, 1741.]

WHEREAS neat Cattle and Sheep often Stray from their Owners who not knowing where to find Them, Seldom See or Recover them.

BE it therefore Enacted by his Honour the Lieutenant Governor the Council and the General Assembly, and it is hereby



Enacted by the Authority of the Same, That from and after the first day of December next any Person or Persons whatsoever who at any time hereafter between the first day of December and the first day of April in any Year ensuing, Shall have any Such Strayed neat Cattle or Sheep upon his, Her or their Inclosed Land, Shall within Twenty days after the coming of any Such Strayed neat Cattle or Sheep into his, her or their Inclosed Land, Deliver unto the Clerk of the respective City, Town Mannor or Precinct where Such neat Cattle or Sheep Shall happen to be, a note in writting containing their Several Ages, Colours & marks, natural & artificial as near as may be, Together with his, her or their name & Place of abode & for so doing Such Person or Persons Shall have for their Trouble the Sum of nine Pence pr head for all neat Cattle and the Sum of two pence pr head for every Sheep so notified, on receipt of which notes the Said Clerk shall Immediately make full Entry thereof at Large in a book to be Provided by him for that purpose, at the Cost and Charge of the City, Town, Mannor or Precinct whereof he is Clerk, for which Entry so made He shall be paid the Sum of Six pence pr head for all the neat Cattle, and the Sum of two pence for each Sheep so Entred as aforesaid, which Several Sums for the notice given and ENTRY as aforesaid made Shall be paid by the respective owner or owners of Such Cattle or Sheep Together with reasonable Charges for the keeping of Them, upon payment of which Said Sums to the Clerk for the Entry so made he shall give unto the owner or owners of Such Cattle or Sheep a Receipt for the Same, and unless Such Receipt be Produced to the Possessor of Such neat Cattle or Sheep, He shall & may detain them until Such Receipt be Produced unless the Said owner or owners will Leave the money Due to the Clerk for his Entry as aforesaid, with the Possessor of Such neat Cattle or Sheep in which case the Possessor Shall be accountable to the S<sup>d</sup> Clerk, and in all Cases where the Possessor of Such neat Cattle or Sheep so notified & Entred as aforesaid Shall let the owner or Owners have them without Such Receipt he shall be accountable to the Clerk for the Money Due to him for the Said Entry, and in case no owner or owners Shall appear in the Space of Six months after Such Entry made then the Possessor of Such neat Cattle or Sheep Shall Pay for Such Entry & Shall & may detain the Said neat Cattle and Sheep until the owner or owners of them Shall be found, which owner or owners when appearing

shall repay unto the Possessor the Said Sums of money so laid out, Together with the Sums hereby Allowed for the notice given & all other Reasonable Charges for the keeping Such neat Cattle and Sheep.

AND be it further Enacted by the Authority Aforesaid that if no owner or owners appear to claim the Said neat Cattle or Sheep within the Space of one Year after the first notice given to the Clerk Then the Possessor of them is hereby required to Sell them at Vendue to the highest bidder first giving at Least fourteen days notice by advertisements to be FIXED at the most Publick Places within the City Town, Mannor or Precinct, where the Said neat Cattle & Sheep have been kept, of the time & place of Sale, and to retain the money arising from Such Sale in his, her, or their hands until the owner or owners of such neat Cattle or Sheep shall appear, unto whom Shall then be paid the remaining part of the money by the Possessor, after Deducting the aforesaid allowances and Reasonable Charges for the keeping & Sale of Such neat Cattle or Sheep as aforesaid. PROVIDED allways that Such owner or owners as do not appear & Demand the same within one Year after such Sale, Shall be and hereby are precluded & Debarred for ever after from recovering of the Possessor all or any part of the money arising by Such Sale, But the Remainder after the Aforesaid Deduction, Shall be paid into the hands of the Church Wardens, or overseers of the Poor in the City, Town, Mannor or Precinct where the Said neat Cattle or Sheep are found, and Shall by the Said Church Wardens or overseers of the Poor be Applied to the poor of the Same City, Town, Mannor or Precinct and the Receipt of the Said Church Wardens or overseers, to the Possessors aforesaid Shall be and hereby is declared to be a Legal discharge to the Possessor or Possessors aforesaid, any Law usage or Custom to the Contrary notwithstanding

AND that the good Intent of this Act may not be Evaded, BE It Enacted by the Authority Aforesaid, That if the Possessor or Possessors of the Remaining money of Such neat Cattle or Sheep as aforesaid Shall not within one month after the time Limited above, Pay the Same to the Church WARDENS or overseers of the Poor or to those who usually have the Care of the Poor in the City, Town, Mannor or Precinct where Such neat Cattle or Sheep Shall happen to be taken up & sold in manner aforesaid, Every Such Defaulter,



Shall Forfeit Double the Sum so Remaining in his her or their hands for the use above Mentioned, to be Recovered over & above the Said Remaining money with cost of Suit by the Said Church Wardens or overseers of the Poor or those who usually have the care of them in the City, Town, Mannor or Precinct where Such Default Shall happen, by action of Debt Bill Plaint or Information in any Court within the County, where the Cause of action Shall arise, or in any Court of Record in the Colony, and the Said Church Wardens, overseers of the Poor & those who usually have the care of Them, are hereby Respectively vested with full Power and Authority, To Sue for & recover the Same any Law usage or custom to the contrary thereof notwithstanding.

AND be it further Enacted by the Authority Aforesaid that any Person or Persons whatsoever, who shall between the first Day of December and the first day of April in each and every year hereafter knowingly have any Such neat Cattle or Sheep as Aforesaid in his her or their Inclosed Land, or in his her or their Possession, and do not acquaint the owner or owners therewith or give the notice prescribed by this Act within Twenty days thereafter, Such Person or Persons so offending, Shall not only Loose any Demand, he She or They might otherwise have for the keeping & Feeding Such neat Cattle or Sheep as Aforesaid, But shall also forfeit to the owner or owners thereof, the Sum of Twenty Shillings for every willful neglect, to be recovered before any Justice of the Peace, within the County where Such NEGLECT may happen with full Cost of Suit.

AND be it further Enacted by the Authority aforesaid that the Books as aforesaid to be provided & kept by the respective Clerks of each City, Town Mannor or Precinct, Shall allways by them be kept Free & open for any Person or Persons who at any time Shall have occasion to Search therein for any Such neat Cattle or Sheep as aforesaid, for which Search no Fee Shall be taken by such Clerk, on the Penalty of Five Shillings, for each offence to be recovered by the Party aggrieved in manner aforesaid with Cost of Suit.

AND that this act may be Duly put in Execution throughout this Colony, Be it Enacted by the Authority aforesaid, That in Such Towns, Mannors and Precincts where it has not been usual to Choose a Town Clerk, it Shall be Lawfull to and for the Freeholders and Inhabitants of Such Town, Mannor or

Precinct at the annual time of choosing other Civil officers, to choose and Elect a Clerk of such Town Mannor & Precinct as aforesaid, and the Clerk and Clerks so chosen, Shall have full Power to put this Act in Execution.

AND be it Provided & Enacted by the Authority aforesaid that nothing herein contained Shall Impair Lessen or abridge The Right of his Majesty His Heirs and Successors or any of the Immunities, Priviledges and Rights of the Several Cities, Mannors and Corporations in this Colony, which they and every of Them are Intitled to by Grants or Letters, Pattents under the Seal of the Said Colony, But that all the Said Immunities, Priviledges and Rights Shall be Saved to every one of the Said Cities, Mannors & Corporations RESPECTIVELY as fully and Effectually to all Intents Constructions & Purposes whatever as if this Act had not Passed.

#### THE TWENTY-SECOND ASSEMBLY.

##### *Eighth Session*

(Begun Apr. 20, 1742, 15 George II, George Clarke, Lieut Governor.)

#### [CHAPTER 727.]

[Chapter 727 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act to apply the sum of Six Hundred & Seventeen Pounds Thirteen Shillings & four pence half Penny for Repairing Fort George, for Transporting Volunteers to the West Indies, and for other the Purposes therein Mentioned.

[Passed, May 22, 1742.]

WHEREAS the Fort in New York is very much out of Repair, and the Battery on Copsy Rocks somewhat Endamag'd by the Ice, in order therefore to render the Same Serviceable for the Defence and Security of this Colony,

BE it Enacted by his Honour the Lieutenant Governour, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the Same, That John Cruger, William Roome, John Rosevelt, Esq'rs and Cap't Henry Row, Shall be, and hereby are Impowered, Authorized, & Required, by and with the Advice



& approbation of the Governour or Commander in Chief for the time being, and the Members of the General Assembly for the City and County of New York, for the time being, or the Major Part of them, to cause the West face of the Flagg mount to be pulled down, and Instead thereof, a new Stone Wall Erected, and the Breach on the West Side of the Fort Gate, and Sundry other Places in the Wall to be repair'd, to cause a good new Parapett of Sodds to be made on the Said Flagg MOUNT, and so along the Curtain & west part of the North West Bastion, and a good Platt Form to be laid along the Same of thick Squair'd Stones, and the outside of the Battery on Copsy Rocks to be Repair'd with good Sound Oak Plank.

AND to Enable the before Mentioned Commissioners to perform the Said Service, BE it Enacted by the Authority aforesaid, that the Treasurer of this Colony, upon Application to him made by the Said Commissioners, Shall, & hereby is Required to Pay unto Them out of the money in his hands appropriated towards the Support of the Government of this Colony, The Sum of Two Hundred and Twenty one pounds, and when that shall be Expended in and about the Service aforesaid, The further Sum of Two Hundred & Twenty one pounds, for which Sums the Said Commissioners are to give to the Treasurer proper Receipts at the Respective times They receive the Same, which said Receipts, Shall be to the Treasurer a Sufficient Voucher and discharge for so much as shall be therein Mentioned to have been receiv'd, Provided they do not in the whole EXCEED the Sum of Four Hundred and Forty two Pounds; and of the money so to be receiv'd by the Said Commissioners, as Likewise of the due Disposition and application thereof, They are hereby Requir'd to Render True & distinct Accounts upon Oath To the Governour or Commander in Chief for the time being, The Council or the General Assembly, when by Them or any of Them thereunto Required.

AND be it further Enacted by the Authority aforesaid that the Commissioners herein before named and appointed Shall, before they receive any part of the Money hereby Directed to be paid unto Them, Enter into the following Recognizance unto our Sovereign Lord the King, his heirs & Successors, viz't Each of them before one of the Judges of the Supream Court in the Sum of one Hundred & Ten pounds Ten Shillings, with Two Sufficient Surities, each, in half that Sum, conditioned, that They shall & will each for his part Well, Truly & Duly Imploy &

apply the Monies so to be received by them, as aforesaid, to and for the Several uses and Services Directed by this Act, and well & duly to observe do & Perform all other Directions thereby required to be observ'd done & Perform'd by THEM, according to the True Intent and meaning thereof, which Several Recognizances Shall with all convenient Speed be Lodged in the Treasury of this Colony by the Judge before whom the Same Shall be taken.

AND be it further Enacted by the authority aforesaid, that in case any of the Said Commissioners, Shall fail in Employing and applying the Monies so to be Received by Them, in manner, and for the uses directed by this Act, or omit to observe, do and Perform what is thereby requir'd to be observ'd, done & Perform'd by Them, in Such Case or Cases the Said Recognizances Shall be Proceeded upon in Due form of Law against Such offender or offenders, or his or their Surety's in any Court of Record in this Colony, wherein no Essoyn, Wager of Law, Protection, or any more than one Imparliance Shall be allowed; and the money Recover'd in consequence thereof, Shall be paid into the Treasury of this Colony, & applied to and for the Several Services herein before directed.

AND to the End that the Commissioners herein before Appointed may be Encouraged to do & Perform the Several Services by this Act required to be done & preform'd by Them.

BE IT ENACTED by the Authority Aforesaid, that They shall & hereby are allowed to retain out of the Sums of Money by this Act directed to be Employ'd, as aforesaid, the Sum of Four Pounds on every Hundred Pounds, that They shall Employ & Lay out for the Purposes aforesaid, and in that Proportion for a greater or Lesser Sum, as a Reward for their Care & Trouble in and about the Services to be perform'd by them, in manner herein before directed. AND WHEREAS upon the Arrival of the Stores of Warr lately brought from England in the Ships Judith and Mirabella, Several Charges have Arisen in the Receiving and Sending Them to Proper Stations, in order to Defray the Said Charges. BE it further Enacted by the Authority Aforesaid, That the Treasurer of this Colony shall, and is hereby directed out of the Monies in his Hands appropriated for the Support of the Government of this Colony, to Pay unto the Several Persons herein after named, the Several Sums of Money hereby Directed, That is to Say,



UNTO John Cruger, John Rosevelt, William Roome and Henry Row, for Sundry Disbursements made by them in & about Receiving & Disposing the Aforesaid Stores of Warr in the City of New York, and for their care, Expences and Services therein, the Sum of Forty Six pounds Thirteen SHILLINGS and four pence half Penny.

UNTO Anthony Ten Eyck for the Freight of Twenty Eight great Gunns, and other Stores of Warr from New York to Albany the Sum of Fifteen Pounds.

UNTO Contrast Right Myer, Johaness Gowdy, Jacobus Redliff and Claus Van Woert, for Carting the Said great Guns & other Stores of War from the River into the Fort at Albany, the Sum of Six pounds.

FOR which Several Sums of Money the Said Persons Shall give unto the Treasurer proper Receipts, which shall be unto him, a Sufficient Voucher and Discharge, provided they Exceed not the respective Sums directed by this Act to be paid unto the Said Several Persons.

AND WHEREAS it has been Recommended to the General Assembly by his Honour the Lieutenant Governour to Victual and Transport to the West Indies Such Recruits as may be Rais'd in this Colony, and the Said Assembly being willing to give a further Proof of their Loyalty, by promoting the good Services for which the Said Recruits are Intended,

AND WHEREAS the officer Sent by General Wentworth for Raising the Said Recruits here, hath Declared, that he is NOT likely to raise above the the Number of Twenty Volunteers in this Colony.

BE it Enacted by the Authority Aforesaid, that there Shall be and hereby is applyed a sum not Exceeding the Sum of One Hundred Pounds, Payable by the Treasurer (Out of the Monies herein first Mentioned) for Transporting & Victualling the Said Recruits, in manner following, that is to Say, upon Producing to him a Certificate or Certificates Sign'd by the Owner or Owners and the Master or Masters of the Vessell or Vessells, in which Such Recruits are Intended to be Transported, containing the Exact Number of Men, mentioning their Names and Sir Names, that shall bona fide be Shipped of in Such Vessell or Vessells, with a Promise therein that They Shall be Victual'd with good wholesome Provision, according to the Kings full allowance, untill They Shall be Landed in Such Place or Places

In the West Indies, as Shall be Directed by the Said Lieutenant Governour, or the Said officer, and that They shall be well Accomodated in their Passage Thither, For every Effective Man which shall be Certify'd in manner as aforesaid, to be Shipped off, The said Treasurer Shall Pay unto the Respective owner or owners of the Vessell or Vessells, They SHALL be shipped off in, at the Rate and Rates that Shall be agreed for, not Exceeding the Sum of Five Pounds for each Man, Always provided, that the whole amount of Such Transportation and Victualling shall not Exceed the before Mentioned Sum of one Hundred Pounds, and proper Receipts from the Said owner or owners Endors'd on Such Certificate or Certificates, as aforesaid, Shall be to the Said Treasurer good Vouchers and Discharges for so much as shall be so Acknowledg'd to be Received, Provided the whole thereof Shall not Exceed the Said Sum of one Hundred Pounds.

AND WHEREAS the Fort in the City of Albany is Somewhat out of Repair. BE it Enacted by the Authority Aforesaid, that the Treasurer of this Colony, shall out of the Monies herein first Mentioned Pay unto the Mayor of the Said City for the time being, The Sum of Eight Pounds to be Employ'd and apply'd for and towards Building of a Centry Box and repairing the Said Fort, and for which Said Sum he shall give the Treasurer a Receipt, which shall be to the Said Treasurer a Sufficient Voucher and Discharge for So much as shall be therein Acknowledg'd to be Received, Provided it exceed not the Sum of Eight Pounds, and of the DUE Disposition and application of the Said Money he is hereby Requir'd to Render true and distinct Accounts upon oath unto the Governour or Commander in Chief for the time being, the Council or General Assembly, when by them or any of Them thereunto required.

AND WHEREAS the Commissioners Appointed in and by one Act of General Assembly, Intituled an Act for the better Fortifying this Colony, and for other the Purposes therein mentioned passed in this Present year of His Majesties Reign, for Erecting a Battery on the Flat Rock behind Fort George, have Purchas'd Materials of Wood for the Plattform of the Said Battery and it being conceiv'd that a Platform of Stones will be more Serviceable.

BE it further Enacted by the Authority Aforesaid that the Said Commissioners, Shall be & hereby are fully Impowered Authorized & Requir'd to Sell and dispose of the Said Materials of



Wood already provided by Them, and to Employ the Produce thereof Towards making the Said Plattform of Large thick Squar'd Stones, any thing in the above said Act contain'd to the Contrary notwithstanding.

AND Whereas in and by an Act Intituled an Act for Transporting & Victualling Volunteers Inlisted in this Colony to Serve in the Expedition therein Mentioned, Passed in the Fourteenth Year of his Majesties Reign The Sum of Two Thousand Five Hundred Pounds was granted to and for Transporting of Volunteers & officers from this Colony to the West Indies, as in and by the Said Act may more at Large appear, And Whereas it has been Represented by a Petition to the General Assembly of the owners of the Vessells, which were Employ'd in the Said Transportation, That there Said Vessells have Actually been Several Days longer before they arrived in the West Indies than was Stipulated for that Purpose, occasioned Altogether by their being first Carry'd to Virginia Contrary to their Expectation, In consideration whereof, BE it Enacted by the Authority aforesaid that a Surplus of the above Mentioned Two Thousand Five Hundred Pounds amounting to the Sum of Forty two Pounds Fourteen Shillings and a Penny appearing by the Accounts of Col<sup>le</sup> Joseph Robinson and Mr. Stephen Bayard, (who are by the Said Act Appointed Commissioners) to remain in their or one of their hands Shall be to & for the use & behoof of the Respective owners of the Several Vessells so Employed in the Transportation aforesaid. And for this END a just and Equal Repa [torn out] Said owners in Proportion to the [torn out] Vessells and Delivered to the Said Commissioners; and thereupon they the Said Commissioners or Such of Them as has the Said Surplus in his hands, Shall be & hereby are authorized & Required to Pay the Same unto the Said Owners or to his or their Executors Administrators or assigns, and a Receipt of the Said owners Endorsed upon the Said Repartition, and that it is in full of all manner of Claim from this Colony for or by reason of the Transportation Aforesaid, Shall be a good Voucher and Discharge to the Said commissioners for the above Mentioned Sum of Forty two pound Fourteen Shillings and one Penny.

## [CHAPTER 728.]

[Chapter 728 of Livingston & Smith and Van Schaack, where the title only is printed. Amended by chapter 773. Livingston & Smith and Van Schaack, state that this act was repealed by the Lord Justices, May 23, 1745.]

An Act for Regulating the Payment of his  
Majesties Quit Rents & for Partition of Lands  
in Order thereto.

[Passed, May 22, 1742.]

WHEREAS the Collecting and paying his Majesties Quit Rents within this Colony, hath heretofore been attended with many Difficulties and Inconveniencies for Remedy whereof for the Future. BE IT ENACTED by his Honour the Lieutenant Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the Same, That all & every the Quit Rents whatsoever which from and after the Publication, of this Act, Shall grow & become Due to his Majesty his heirs or Successors for any Lands Tenements or Hereditaments in the Said Colony, the Same Shall be paid yearly and every year on every Five & Twentieth day of March or within Six months then next after at Farthest, and that all Persons may know where to Resort about the Quit Rents Accounts & matters Relating thereto.

It is hereby further Enacted that his Majesties Receiver General for the time being or his Deputy, Shall keep and give due Attendance at his office in the City of New York at Office hours & keep fair and just books of Accounts of all Quit RENTS due & to become due to his Majesty his heirs & Successors & make Proper Entries in the Said Books with Debtor and Creditor & moreover give a Receipt to the Party paying Quit Rent

AND WHEREAS great numbers of the Freeholders and Inhabitants of this Colony Live at a great Distance and Some very Remote from the City of New York so that the Annual and Punctual Payment of their Quit Rents in the Receiver Generals Office there would be Attended with many Inconveniencies as well as great Trouble & Expence to the Said Freeholders, by their long and Tedious Journeys, to prevent which the General Assembly pray it may be Enacted. AND be it therefore Enacted by the Authority aforesaid that his Majesties said Receiver General for the time being, Shall from time to time,



make Constitute & appoint Some fit and discreet Person in Each County within this Colony to be his Deputy, to Receive the Quit Rents thereof, who Shall also keep fair & just Books of accounts of all Quit Rents by them received for his Majesties use, and make Proper Entries in said Books of Debtor & Creditor, and likewise give a Receipt to the Party paying Such Quit Rent, for every of which Receipts & Entry of Credit the Said Deputy's (Except in the City of New York) Shall be paid by the Party DESIRING Such receipt & Entry the Sum of one Shilling, which Entry of Credit so made by the Said Receiver General or his Deputy's as aforesaid, Shall be a good discharge in the Law for so much to the Party in case the Receipt be lost or mislaid Provided nevertheless That all Persons Shall be at Liberty to Pay their Quit Rents to the Receiver General or his Deputy in the City of New York, if They shall be minded so to do.

PROVIDED also and be it Enacted by the Authority aforesaid, That if the Receiver General, Shall neglect omit or Delay to Constitute & appoint Such Deputy or Deputy's in the Several County's Aforesaid, That then & in such case no Person or Persons where Such Deputy is wanting, Shall be Liable to be Sued or Prosecuted for his her or their Quit Rent, during any Such neglect or omission or within Three Months after Publick notice Shall be given in the Respective Counties of Such appointment, any thing contained herein to the contrary notwithstanding.

AND for the more Regular & orderly gathering the Quit Rents due & to become due from the Several Towns within this Colony by their respective Town Grants or Pattents

BE it further Enacted and it is hereby Enacted by the authority Aforesaid, That the Several Freeholders in Each of the Said Towns, Shall yearly & Every year, at their usual Town Meetings, have full Power & authority by the Majority of voices of the Said Freeholders then Met & Assembled at Such Town meeting to choose & appoint proper officers & make Such prudential and reasonable orders & Regulations for assessing Levying & Collecting of and from Each Freeholder his or her respective Quotas of the Annual Quit rent Reserved in the General Grant or Pattent for the Said Town as Shall be voted & agreed reasonable & necessary to be Appointed made & done in & about the Same.

AND for the more regular & orderly gathering and Paying the Quit rents due & to become due from all other grants & Patents

for Land within this Colony. BE it also Enacted by the Same Authority, That it Shall & may be Lawfull for all and every, the respective owners & Proprietors of Such Grants and Patents for Land, To assemble and meet Together on the Third Tuesday, in april yearly & every year, either at the usual or most Publick Place of meeting within their respective Grants or Patents or at Such other Places as the Major part of Them Shall agree upon, and then BY majority of Voices of the Said Freeholders & Proprietors there present, Either by Themselves or their Proxies rate & assess the Several Freeholders of the Said Grant or Patent respectively, according to the part Share and Proportion of Lands Such Freeholder or Freeholders Shall have hold possess or Enjoy within each respective Grant or Patent, for and towards discharging & Paying the Quit Rents due from Such Grant or Patent for the next preceeding year, and in case the Persons so met & Assembled or the Major part of Them cannot agree upon Such Rate & Assessment, Then and in Such Case, they or the major part of Them there present Shall Elect & choose out of the Said Freeholders two assessors who Shall make such Rate or assessment upon oath, which oath any Justice of the Peace within the County where the Land lies is hereby Required & Impowered to Administer.

AND in order to Collect & Pay the Said Quit Rent rated and assessed as aforesaid, Shall also Elect & choose out of the Said Freeholders & Proprietors one Collector to Collect & pay the Same Quit Rent & if any of the said Freeholders or Proprietors shall Refuse delay or neglect to Pay his or her Share or Proportion of the Said Rate or assessment, then it shall & may be Lawfull for SUCH Collector to collect & Levy the same by Distress & Sale of the goods & chattels of the Defaulter or Defaulters where the Same may be had or found with the cost & charges thereof as is usual in the like cases, or to Prosecute for the same before any one Justice of the Peace within this Colony, and in case Such Collector Shall not find goods & chattels of the Defaulters whereon to make Distress within the Limitts and bounds of such Patent or Grant, Then & in Such case it Shall & may be Lawfull for Such Collector to Collect & Levy the Share & Proportion of the Rate aforesaid of Such Defaulter or Defaulters of and from all or any of the rest of the Freeholders or Proprietors aforesaid giving unto the Person or Persons from whom he Shall so Collect and gather, Such Share & Proportion, a Receipt for the same, which Quit Rent so collected & gathered



Shall be forthwith paid by the Said Collector to the proper officer appointed to Receive the Same, and take a Receipt accordingly.

AND it is further Enacted that in case such Defaulter or Defaulters Shall not Repay his Share or Proportion of the Said Rate or assessment so Levied Collected or Paid for him unto the Person or Persons from whom the Same was so LEVYED or Collected within Three Months Together with Interest for the Same, Then & in Such Case such Defaulter or Defaulters Shall Forfeit & Pay unto the Person or Persons from whom the Same Rate or assessment was so Levied or Collected as aforesaid, Double the sum so Collected & Levied Together with Interest for the Same until Paid.

PROVIDED always and it is the true Intent and meaning hereof, That the Doubling of the Sum so Levied and Collected Shall only be on the Respective Sum or Sums as Shall be annually so Levied & Collected as aforesaid, and in case the Sum or Sums so Forfeited and the Interest thereof, Shall not be paid within Five years from the time of Such first Forfeiture, Then & in Such Case the Sheriff of the County for the time being, wherein the Lands Lie, shall sell & dispose of so much of the Said Defaulter or Defaulters Land for which he She or they were so Assessed, as will pay & satisfy the Said Sum or Sums Forfeited & the Interest thereof Together with the Charges of Such Sale in manner hereafter directed, To be observed & done in the Sale of Land for the Payment of the Arrears of Quit Rent to the Twenty Fifth day of March last & so as often as the Case may happen during the Continuance of this Act.

AND WHEREAS divers Persons are and for many years last past have been considerably in Arrear to his Majesty for Quit Rents occasioned chiefly by the Patentees or Grantees being Dead, Removed out of this Colony, or gone beyond the Seas, wherefore that his Majesty's just Dues may be paid and Satisfied.

BE it further Enacted and it is hereby Enacted by the authority aforesaid, That his Majesties Receiver General Shall make out an Exact account of what the Respective Grants or Patents of Land are really in arrear for Quit rent unto the Said Twenty Fifth Day of March last and under Such Account to Certify upon oath, that so much is bona fide in arrear according to the best of his knowledge and belief, which Said Certificate, is then to be Delivered to one of the Patentees or other Person having Interest in Such Grant or Patent upon Receipt whereof it shall

& may be Lawfull for the owners & Proprietors of Such Grants or Patents of Land in arrear to Assemble & meet on the first Tuesday in October next at the usual or most Publick Place of meeting within their Respective Grants or Patents, or Such other Place as THE major part of Them Shall agree upon, and the Major part then Present either by Themselves or their Proxies, shall make an Exact Rate or assessment of Such Quit Rent in arrear so as aforesaid certified according to the Part, Share or Proportion, each owner or Proprietor hath within the Respective grants or Patents of Land so in arrear, and in Case the Persons so met & assembled or the major part of Them cannot agree upon Such Rate or assessment, Then they or the Major part of Them there Present, shall Elect & Choose out of such owners or Proprietors, Two Assessors, who upon Oath shall make Such Rate or assessment in order to Discover how much Each owner & Proprietor is in arrear of Quit Rent for his or her Share or Proportion of Such Grant or Patent of Land and in Case the Several owners or Proprietors of Such Grants or Patents, Shall not within Six months thereafter Pay his or her Share & Proportion of Quit Rent in arrear, according to Such Rate or assessment then the Said Rate or Assessment so made, Shall with the Certificate above said be Delivered to the Sheriff of the County for the time being, where the Lands Lye & thereupon it shall & may be Lawfull for Such Sheriff, and he is hereby fully Impowered & Required to Sell & dispose of so much of the right Title & Interest of such owners or Proprietors as Shall BE so in Arrear of in or to the Said Lands Tenements or hereditaments as Shall be Sufficient to Pay & discharge the Same Together with the Cost & charges attending Such Sale in manner hereafter Expressed, That is to Say, when & as often as application Shall be made to Such Sheriff to Sell any Lands for the Causes aforesaid, The party or parties applying for & desiring such Sale shall produce unto the Sheriff Such Rate or assessment with the Certificate as abovesaid, who upon receipt thereof Shall cause Some part of the Lands of Such owner or Proprietor as Shall not have paid his or her part Share or Proportion of Quit Rent in arrear according to the Said Rate or assessment within the time aforesaid, To be Set apart Surveyed and Bounded in order to be sold for payment of the Quit Rent so in arrear & the Charges of & necessarily Attending Such Sale & thereupon the Said Sheriff, Shall cause Advertisements to be wrote Describing the



quantity, quality, Butts, Boundds, & Scituation of the Land so to be Sold, the quantity of acres the Same doth contain, with the Day, hour & place when & where the Same will be so Exposed to sale at Publick Vendue, For what Cause & Sum or Sums of money the Same is so to be SOLD which Advertisements so wrote Shall be affixed, on the Court House & Three or more of the most usual & Publick Places in the County, where the Land Lies at the City hall of the City of New York, and in the New York Gazette and Journal if printed, at Least Six months before such Sale Shall be made.

AND be it further Enacted That upon the Day appointed for Such Sale, as is before Directed the Same Sale Shall be made at the Court house of the County in which the Land Lies between the hours of nine & Twelve in the Forenoon and the Respective Sheriffs of the County's aforesaid are hereby fully Impowered & authorized to Sell & dispose of Such Land at Publick Vendue to the best advantage, and upon the Sale thereof to make Sign, Seal & Deliver Deeds and conveyances thereof to the Purchasor or Purchasors thereof, which Deeds & Conveyances so made & Executed Shall be and are by Virtue of this Act deemed & Esteemed a good valid and sufficient Title in the Law to all Intents & Purposes whatsoever, and the Said Purchasor & Purchasors thereof and their respective heirs & Assigns, are and Shall be hereby Severally and Respectively VESTED in and Intituled to an Estate of Freehold & Inheritance in Fee Simple of & in all & every or any of the Said Lands Tenements or hereditaments so Purchased by Them by virtue of this Act

AND be it further Enacted by the Authority aforesaid That the respective Sheriffs upon Delivery of Such Deeds & conveyances as is aforesaid Shall cause the consideration money to be paid to the Person or Persons at whose request the Said Land Shall be so Sold which Person or Persons Shall Immediately Pay & discharge the Quit Rent due to his Majesty for which the Land was so Sold Together with the Charges of & necessarily attending the Sale and then return the overplus (if any) to the owner, and if at any time or times hereafter it shall be made appear by the Said owner or owners or any other Person or Persons in his or their behalf by Receipts or otherwise that no Credit has been given for Payment of Quit Rent for that Part paid before the Time above mentioned, The receiver General for the time being Shall be & hereby is obliged & required to return to the Person or Persons who have a right

thereto out of what has been paid in manner aforesaid, so much as Shall so appear to have been paid more than is given Credit for in the Certificate above Mentioned But it shall nevertheless be Lawfull for the Sheriffs aforesaid to retain in THEIR hands for their own Charge, care, Trouble & Expence at the rate of Six Shillings pr Diem, and the Said Sheriffs respectively before they make such Sale as aforesaid are hereby Required to take an Oath, which Oath any Justice of the Peace is hereby Authorized & Required to administer, That he will well Truly honestly & Faithfully discharge the Trust reposed in him by virtue of this Act, according to the best of his Skill and understanding.

AND for the Recovery of the Rights and Dues of the Crown in the most Speedy & Effectual manner for the Future

BE it Enacted by the authority aforesaid That the Quit Rents reserved to his Majesty in the Respective Grants or Patents for Lands, and all Actions & Suits which may arise for or concerning the Same, Shall be Commenced Prosecuted and Determined in the Supreme Court of this Colony in the like manner and methods as Suits for his Majestys Rents & other Dues to the Crown are commenced prosecuted and Determined in his Majesty's Courts in that part of Great Brittain called England.

AND Whereas many Persons have & do hold Lands within this Colony in joint Tenancy or in Common with others and Several of the owners or Proprietors being Either Dead under age or beyond the Seas, has not only greatly Obstructed the Payment of his Majesties Quit Rents for the Same Lands, but also very much Impeded & hindred the Cultivation Settlement & Improvement of this Colony for Remedy Whereof. BE it Enacted & it is hereby Enacted by the Authority Aforesaid, That the owners and Proprietors of Such Lands or Such of Them as have the greatest Share & Interest therein and Dwelling & Residing within this Colony, may in the Absence of or without the other Proprietor or Proprietors, owner or owners, who is or were joint Tenants or fellow Commoners with Them, Proceed to make partition of Such Lands held in Joint Tenancy or in Common as aforesaid in Such manner as is herein after Mentioned, and Set of for Such absent or other Proprietor or Proprietors, owner or owners, Their Share or Portion of the Same Lands, and in case after Such Partition made Such absent or other Proprietor or Proprietors, owner or owners do not WITHIN Twelve months Pay to the other Pro-



prietors their Share and proportion of all reasonable Charges & Expences of Such Division with the Lawfull Interest thereof, That then and in Such Case it Shall & may be Lawfull for the Judge of the Inferiour Court of Common Pleas and the Sheriff of the County in which Such Lands Shall happen to be, To Sell so much of the absent Proprietors or Owners Lands as Shall be sufficient to Pay & Satisfy his her or their Share & Proportion of the Charges of such Partition and Sale as aforesaid, with Lawfull Interest of the Same, and then return the overplus (if any be) To the owner or owners thereof & Advertisements Shall be Incerted in the New York Gazette and Journals (if Printed) and also Fixed up at least Six months before such Sale Shall be made, on the City Hall in the City of New York, on the Court House and Three other publick Places in the County where the Land Lyes, giving notice that the Same will be sold at Public Vendue to the highest bidder or bidders at Such Court House on the first day of the Meeting of the Judges and Justices to hold the then next Inferiour Court of common Pleas in and for Such County giving notice also of the Lands, That are to be Sold and to what Value & upon SALE of Such Land and receiving Payment, The Said Judge & Sheriff Shall and are hereby fully Impowered and Authorized to convey the Same to the Purchasor or Purchasors thereof & to Execute a good & Sufficient Deed or Deeds for the Same, which Deed or Deeds so Executed Shall be Valid and Effectual to vest the Fee simple of the Lands Sold in Such Purchasor or Purchasors and his her or their Heirs & Assigns as fully & Effecutally, as if the original Proprietor or owner of the Same Lands had by Deed in Due form of Law conveyed the Same

AND be it further Enacted and it is hereby Enacted That such Joint Tenants or Tenants in Common dwelling & residing within this Colony, That now hold or hereafter Shall hold any Estate or Estates of Inheritance in their own right or in the Right of their Wives in any Tract or Tracts of Land within this Colony, and the Guardians of Infants, under the age of Twenty one years, and the Agents or Attorneys of any Patentee or Grantee their Heirs or assigns or Such of Them as have the greatest Right Share & Interest in SUCH Lands, may make Partition of all or any part of Such Tracts of Land as they now hold or hereafter, Shall hold by any Letters Patent or Grants or otherwise whatsoever in the name and behalf of the whole Proprietors or owners Interested in the Same Lands. And to this End

**IT** is hereby further Enacted That the Sheriff of the County where the Lands to be Divided are Scituate and lying, upon due Application made to him in writting by Such Persons as aforesaid, Shall nominate & Summon nine good Substantial Freeholders & Inhabitants of the Neighbourhood who are no ways Interested in the Said Lands or any ways Related to any of the Parties Interested therein. The names of which nine Persons so nominated, Shall by the Sheriff be Impanelled & Shown to the Judge & Justices at the next Cort of Common Pleas to be held in & for the Said County, who is also to declare unto the Said Judge & Justices the Cause of his Summoning Them & request of the said Judge & Justices to Elect & Choose out of the said Nine Persons such Three of them, as they shall think fit to Lay out & Divide the Said Lands in Conjunction with the Sheriff, between the Parties OWNERS thereof and the Said Judge & Justices are thereupon in the said Court of Common Pleas required and Directed, To Elect & Choose Such Three Persons accordingly, which Three Persons so Elected & Chosen as aforesaid Shall take the Following Oath, we A. B. &c will divide the Lands, (Describing Them) among the Several Persons Interested therein Equally and Impartially according to the best of our knowledge & Judgment a minute of which oath Shall be Entered in the minute Book of the Court for which Entry the Clerk shall have one Shilling and Six pence, and for every Copy thereof one Shilling and for Administring the oath to the Freeholders, Two Shillings and Three pence, and the Said Sheriff and Three Persons so Elected and Sworn, and the Survivor & Survivors of Them, Shall take the best methods in their Power to view & Inform Themselves of the Quantity & Quality of the Lands to be Divided and the Number of Persons Interested in the Same Lands and the Proportionable Quantity of Interest each Person hath in the Same, and Shall thereupon divide the whole Lands to be Divided into Such & so many Lotts as will yeild and give to every Proprietor or owner, his full Proportion of Lands according to the Quantity & Quality in the Tract or Tracts to be Divided WHICH Lotts so laid out and Divided, Shall be laid Down on a map and Numbred differently and Shall contain the Length and Courses of the Lines of Every Lott distinctly and the Said Sheriff and Three Persons and the Survivor and Survivors of Them Shall if they think proper in order to a more equal Division of the Same Lands, distinguish and lay out



the Same Lotts into Several Assortments having a Due regard to the Quality as well as Quantity of the Same Lotts so that each Proprietor or owner upon Drawing of Lotts may have an Assortment of Lotts, as nearly of an Equal Value with every other Assortment, as the Same can conveniently be put Together.

AND it is hereby further Enacted That after the Said Lotts are laid out & described on a map & numbred and Distinguished as aforesaid and prepared for Drawing the Same Sheriff and the Three Freeholders or the Survivor or Survivors of Them shall under their hands & Seals return and Deliver unto the Judge & Justices at the then next Court of Common Pleas to be held in and for the Same County, the Said map and a List of the names of the Proprietors AND Owners with an Account of the number of Lotts laid out for each Proprietor or owner, and an assortment of Lotts for the more equal Partition of the Same Lands, which map Shall be Filed with the Clerk of the Said Court and an Entry thereof Shall be made of Such Filing. And the Said Judge & Justices Shall upon Receipt of Such Map and return cause the Said Clerk to Administer the Following Oath unto the Judge and two or more Justices or assistants then Present in Court viz't. We, A. B. C. &c will do Justice and see Justice done to all Persons concerned in the Lands now to be Divided according to the best of our knowledge & understanding and thereupon the Clerk Shall make an Entry in the minute Book of Such oaths having been taken by the said Judges and Justices and after such oath taken the said Judge and Justices so taking the same Shall in open Court, write or cause the names of the Proprietors and owners, to be wrote on Several Pieces of Paper as often as Each Proprietor or owner hath Lotts or Assortments in the Lotts, to be drawn & Shall put the Same Papers folded up & all as near as may be of the same Size & Form into one Box and Shall write the numbers of the LOTTs or the Assortments of the Lotts to be drawn on an Equal number of Papers of the Same Size & Form and Shall put them into another Box, and then each Box Shall be Shaken by the Clerk and two Boys shall be called each under Sixteen years of age, and the Said Clerk shall bid one Boy take out one Paper out of one Box and Shall receive it from him and Deliver it to the Judge, and then he shall bid the other boy take one Paper out of the other Box and Shall receive it from him, and Deliver it to one of the Justices Sworn as aforesaid, Which Papers the Judge and Justices Respectively Shall

hold up between his fore finger and his thumb in the sight of the present, and then Each of them Shall open the Paper in his hand, and the Person who hath the name Shall read it aloud, and then the Clerk Shall Enter it down in a Sheet of Paper, which shall contain an Account of the Drawing of the Same Lotts, and the other Person Shall open his Paper and shall read aloud the number of the Lott or Lotts drawn for the Proprietor or owner whose name is Drawn and the Clerk Shall enter the number or numbers of the Lotts drawn against the name of the Proprietor or owner Entered in the Sheet of Paper as aforesaid, and the SAID Clerk shall Seal or otherwise fasten the Two Papers Together and shall deliver them to the Judge, and such Lott or Lotts so drawn, Shall belong to and be the property of that Proprietor or owner whose name is Drawn with them, and the Clerk Shall forthwith write the name of such Proprietor or owner in the map Aforesaid, in the Lott or Lotts drawn for such Proprietor or owner, and in the same manner Shall the Judge Justice and Clerk aforesaid proceed till the whole number of Lotts be Drawn, and if the Same cannot conveniently be Drawn in one Day they may adjourn & proceed the next Day, and so on During the whole time of the sitting of the Court, till the Lotts are wholly Drawn.

AND whereas it may so happen That the rightfull Owners of the Share and Property belonging to any original Patentee or Patentees may not be known by the Persons who Shall divide the Lotts as aforesaid. AND in Such Case it Shall & may be lawfull for the Persons who shall Divide any Lands by Virtue of this Act, To lay out so many Lotts as Shall belong to the right of Such Patentee or Patentees & Instead of the present owner or owners of the Same Lands, may Enter the names of the original Patentee or Patentees, and the Same LOTTS drawn in the name of Such Patentee or Patentees Shall nevertheless belong to the Rightfull owner or owners & Shall be their property.

AND IT is hereby further Enacted by the Authority Aforesaid That the Several & respective Lotts so laid out & drawn in manner aforesaid, Shall be the Share Proportion and Division of Each & every the Joint Tenants & Tenants in Common & in Such Lands so to be Divided and shall be holden and enjoyed by Such Joint Tenants or Tenants in Common & their heirs in Severalty, as fully & Effectually to all Intents and Purposes as if the same had been made by writt of Partition in



form of Law or in any other way or manner whatsoever and the Said Judge Justices & Clerk Shall by Indenture to be made between Them of the one part, and the Said Sheriff of the other part, under their hands and Seals, assign unto each of the Said Proprietors or owners the Several & Respective Lotts so laid out & Drawn in manner aforesaid which Indenture Shall be Recorded in the County Records (Paying the usual Fees) and Filed there for the use & benefit of all concerned.

AND be it further Enacted, That for making Exact Partitions & Severance According to the true Intent & meaning of THIS Act an able Surveyor who Shall be Sworn for that Purpose Shall be Employed therein to be Provided by the Persons applying for Such Division, at the most moderate Rates they can Agree, and that the Sheriff Shall be Allowed Six Shillings, and the Three Freeholders, Five Shillings pr Diem each for Every Day they shall be doing & Performing the Several offices and Services by them to be done & Performed in manner aforesaid besides a reasonable Allowance for meat Drink Lodging & horse hire, not Exceeding four Shillings more for each Day they & Each of Them Shall Attend and be upon all & every the Respective Services aforesaid, And the Justices & Clerk who Served at the Drawing of the Lotts Shall be paid each the Sum of Six Shillings, besides what they were obliged to expend in that Service, and the boys That draw the Lotts Shall be paid two Shillings each for that Service, all which several Sums and the rest of the necessary Charges Attending Such Divisions as aforesaid Snall be paid by the Proprietors & owners who Declared their consent to make such division.

AND be it further Enacted by the Authority aforesaid That in order to an Equal Assessment of the Charges of the Said Division, on the Several Persons Interested in the Same, The Proprietors or owners or Some of Them, at whose Instance the Same hath been MADE Shall make up an Account thereof, and Shall lay the Same account before the Judge & Justices and Clerk aforesaid, who are to oversee the Drawing of Lotts as aforesaid, who shall cause the Sheriff and Persons who made the Division to attend Them in open Court in order to be Examined, and then to audit the Same Account by the oaths of Proper witnesses, proving the Several articles thereof for which Audit the Said Persons so auditing the Same, Shall be allowed & paid Six Shillings Each, and the said accounts being Settled

and Allowed & Signed by the Said Judge Justice and Clerk Shall be filed with the Clerk of the County, in which the Lands Lye as aforesaid, for which He shall be paid two Shillings, and Each Proprietor or owner Shall be chargeable for his Share & Proportion of such account, and the Same Shall remain a Charge upon the Lands so Divided, and the particular Lotts of each Patentee or Proprietor, Shall be Subject to sale for the Payment of the Same to Such Person or Persons as hath advanced and paid the Expences of Such Division as is before directed, And in case any Error mistake or Fraud Shall happen in Such Account, The party grieved Shall have his Remedy against the Person or Persons to whom the money ariseing by the Sale of his Lands Shall be paid by action in any Inferiour Court within this Colony to be recovered with full Cost. AND in CASE any Person or Persons concerned in the Premises, Shall knowingly and willfully commit or connive at any fraud or Injustice in, about, Touching or concerning the Premises, or any part thereof, Such Person or Persons Shall be Liable to be Prosecuted as a Common Cheat, and Suffer as Such, if convicted thereof.

PROVIDED always, and it is the true Intent and meaning of this Act, That the butt Lines of Such Tract in the Letters Patent, whereby the Same were Granted, as are binding upon or by any vacant or unpatented Lands, so much thereof as Shall be so binding upon Such Vacant & unpatented Lands, Shall be Run & ascertained by his Majesties Surveyor General, or his Deputy, for the time being, before any Division of Such Lands be made. PROVIDED, That he or his Deputy Shall upon timely notice, at least two months before the Day Intended, To begin the Said Service, duly attend the Same at the time appointed, and that the Reward for Runing of the Said Lines, Shall not Exceed Twenty Shillings a Day; and if the Said Surveyor, or his Deputy, omit or neglect to attend at the Times above Mentioned, The Intended Division may be Proceeded upon and Performed by the Sheriff, Surveyor & Freeholders before Mentioned, anything herein to the contrary thereof notwithstanding.

PROVIDED also, and it is the further Intent & meaning of this Act, That nothing herein contained Shall take away or be construed to the Prejudice of his Majesties just Rights, But that in all Divisions hereafter to be made by virtue of this Act, his Majesties just Rights be Saved, as Likewise the just Rights of



all Bodies Corporate and Politick, and all other Persons whatsoever, anything to the Contrary hereof in any wise notwithstanding.

AND for making this Act more Effectual, and that his Majesty may not be any Longer delayed and kept out of his Just Rights, for want of Such Division and Partition of Lands, as aforesaid, and that the Inhabitants and Proprietors may be Encouraged to Settle, Cultivate and Improve the Same, It is also Enacted by the authority aforesaid, That if any Person or Persons Elected, named and appointed, or to be Elected, named or appointed To Assist or do any office, Act or Service in, about, Touching or concerning the Partition, Laying out and Dividing any the Lands, Tenements or hereditaments aforesaid, Shall deny, neglect or Refuse to perform & Execute all & every or any Article, thing or things by him or Them by this Act to be done, Performed and Executed on Such Days, Times, and in manner herein before Expressed, According to THE true Intent & meaning of this Act, They & each of them so Denying, neglecting or Refusing, Shall Forfeit Ten pounds Current money of this Colony, For every Such Denyal, Neglect or Refusal, the one half thereof to be paid to the Treasurer for & Towards ye Support of this Government, The other half to the Party, who Shall Sue for the same by Action of Debt in any of his Majesties Courts of Record within this Colony.

PROVIDED also, that nothing in this Act contained, with respect to the Division of Lands, Shall be Construed to extend, or Deemed to relate to any of the common & undivided Lands of any Township within this Colony, (Excepting the Townships in the County of Albany.)

AND to the End this Act may be the more Generally known, Be it Enacted by the Authority Aforesaid, That the Same Shall, during its Continuance, be openly read once a year at the General Sessions of the Peace to be held for the Several Counties, Citys & Burroughs within this Colony.

AND be it Enacted by the Same Authority That the Said Act Shall be & remain of Force from the Publication thereof until the Twenty Fifth Day of March, which will be in the year one Thousand Seven Hundred & Fifty Five.

## THE TWENTY-SECOND ASSEMBLY.

*Ninth Session.*

(Begun Oct. 12, 1742, 16 George II, George Clarke, Lieut. Governor.)

## [CHAPTER 729.]

[Chapter 729 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 709. Continued by chapter 741.]

An Act further to Continue an Act, Intituled an Act for and Towards Supporting the Government of this Colony by Granting to his Majesty the Duties therein Mentioned, from the first Day of December One Thousand Seven Hundred & Forty, To the first Day of December One Thousand Seven Hundred & Forty one.

[Passed, October 29, 1742.]

WHEREAS the Duties and Impositions granted for the Support of his Majesties Government in this Colony, by the above Mentioned Act, were by a Subsequent Act Pass'd in the Fifteenth year of his present Majesties Reign continued to the first Day of December next, and the General Assembly being heartily disposed to make Provision for the further Support thereof.

BE it Enacted by his Honour the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the before mentioned Act, Intituled an Act for & towards Supporting the Government of this Colony, by Granting to his Majesty the Duties therein Mentioned, from the first day of December one Thousand Seven Hundred & Forty, To the first Day of December one Thousand Seven Hundred & Forty one Shall be & hereby is Enacted to be further continued, and Every Clause, Article, Matter & thing therein contained to Remain & be of full Force & virtue to all Intents Constructions & Purposes whatsoever from the Said first Day of December next until the first day of December which will be in the year of our Lord one Thousand Seven Hundred & Forty Three.



## [CHAPTER 730.]

[Chapter 730 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 716. Expired December 1, 1743. Provided for by chapter 747.]

An Act further to continue as well an Act Intituled an Act, to Regulate the Militia of this Colony, as the other Acts therein Mentioned by which the Same hath been Continued.

[Passed, October 29, 1742.]

WHEREAS the Militia of this Colony ought at all Times to be under Proper Regulation for its Security & Defence, and more Especially at this Critical Juncture, BE it Enacted by his Honour the Lieutenant Governour the Council & General Assembly and it is hereby Enacted by the Authority of the Same, That the following Acts of General Assembly to wit, one Intituled an Act to Regulate the Militia of this Colony Passed in the Thirteenth year of his Present Majesties reign another Intituled an Act to continue an Act Intituled an Act, to Regulate the Militia of this Colony with an Addition thereto, Passed in the Fourteenth year of the Said Reign, and one other Intituled an Act to Regulate the Militia of this Colony with a further Addition thereto, Passed in the Fifteenth year of the same Reign, which will Remain of Force no Longer than the first day of December in this present year one Thousand Seven Hundred & Forty two, Shall to all Intents Constructions and Purposes whatever, be & Remain in full Force & Virtue & Every Clause Article, Matter & thing contained in the Said Acts & in Every one of Them from the Said first Day of December next Ensuing, until the first Day of December, which will be in the year one Thousand Seven Hundred & Forty Three, Anything in the Said Acts or in any of Them to the Contrary thereof notwithstanding

## [CHAPTER 731.]

[Chapter 731 of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 1, 1743.]

An Act to Let to Farm the Excise on Strong Liquors retailed in this Colony for one year which will End the first day of November one thousand Seven Hundred & Forty Three.

[Passed, October 29, 1742.]

WHEREAS by an Act of the General Assembly, Intituled an Act for Laying an Excise on all Strong Liquors retailed in this Colony passed in the Twelfth year of the Reign of her Late Majesty Queen Anne, There was given & granted to her Said Majesty, Her Heirs and Successors a Duty of Excise on all Strong Liquors Retailed in this Colony from the first day of November one Thousand Seven Hundred and Fourteen, To the first day of November one Thousand Seven Hundred and Thirty four, for the uses & purposes in the Said Act Particularly Mentioned; which Said Duty of Excise hath by Several Subsequent Acts been further Continued from the Said first day of November one Thousand Seven Hundred & Thirty four, To the first day of November which will be in the year of our Lord one Thousand Seven Hundred & Fifty Seven.

AND Whereas Sundry Persons have by Themselves, or by Others on their behalf offered & Engaged to Pay for the Said Duty of Excise in the Citys & Counties of this Colony from the first Day of November next to the first day of November which will be in the year of our Lord one Thousand Seven Hundred & Forty Three, such Rates as are conceived more Beneficial than to Let the Same to Farm in any Other manner.

BE it therefore Declared & Enacted by the Lieutenant Governour, the Council and the General Assembly, and it is HEREBY Enacted by the Authority of the Same, That the Persons herein after named, Shall be the Farmers of the Said Duty of Excise from the first day of November next Ensuing, to the first day of November which will be in the year of our Lord, one Thousand Seven Hundred and Forty Three, in the Respective Cities and Counties of this Colony, and to have & Receive the Benefitts thereof at the Rates & for the Several Sums of Money following, That is to Say,



Mr. Edward Man, for the City & County of New York for the Sum of Five Hundred and Forty Pounds.

Mr. Thomas Williams for the City & County of Albany for the Sum of One Hundred & Forty Pounds.

Mr. Jacobus De Beavois Jun'r for Kings County for the Sum of Thirty Pounds.

John Messenger Esq'r for Queens County for the Sum of Ninety Five Pounds.

Mr. Epenetus Platt for Suffolk County for the sum of Fifty Six Pounds.

Cap't Hendrick Terbos & Mr. Anthony Yelverton for Dutchess County for the Sum of Fifteen Pounds.

Mr. Gerrardus Hardenbergh & Mr. Thomas Ellis for Ulster County for the Sum of Thirty Pounds Ten Shillings.

Mr. Paul Micheaux for Richmond County for the Sum of Sixteen Pounds.

Mr. Samuel Gale & Mr. David Blauvelt for Orange County for the Sum of Twelve pounds

Mr. Silvanus Palmer, Mr. Phillip Pell & Mr. Jonathan Lawrence for West Chester County for the Sum of Forty Nine pounds.

AND for the Effectual Securing the Several Payments BEFORE mentioned, BE it Enacted by the Authority aforesaid that the Several Farmers before Named Shall be & hereby are Required & Obligated on or before the first day of November next Severally to Enter in the following Recognizances before any Judge of the Supream Court or of the Inferiour Courts to his Majesty his heirs & Successors with Sufficient Sureties, That is to Say.

Edward Man in the Penal Sum of One Thousand & Eighty Pounds Currant Money of this Colony.

Thomas Williams in the Penal Sum of Two Hundred and Eighty Pounds.

Jacobus De Beavois in the Penal Sum of Sixty pounds.

John Messenger Esq'r in the penal sum of one Hundred and ninety Pounds.

Epenetus Platt in the penal Sum of one Hundred & Twelve Pounds.

Hendrick Terbos & Anthony Yelverton in the penal Sum of Thirty Pounds.

Gerrardus Herdenbergh & Thomas Ellis in the penal Sum of Sixty one Pounds.

Paul Micheaux in the penal Sum of Thirty two Pounds,

Samuel Gale & David Blauvelt in the penal Sum of Twenty Four Pounds.

Silvanus Palmer, Phillip Pell, & Jonathan Lawrence in the penal Sum of ninety Eight Pounds.

CONDITIONED That each of the Said Farmers Shall well and Truly pay to the Treasurer of this Colony, the Respective Sums they have Severally Farmed the Said Duty of Excise at, in two Equal half yearly Payments, That is to Say, one half thereof on the first day of May next Ensuing, and the other half thereof on or before the first day of November, which will be in the year of OUR Lord one Thousand Seven Hundred & Forty Three, and the Judge or Judges before whom Such Recognizance or Recognizances are taken are hereby Required to Transmit the Same with all convenient Expedition to the Said Treasurer, with whom They are to Remain until They shall be Discharged.

AND to the End the Several before named Farmers may have the full Benefit of the Said Duty of Excise from and to the time before Mentioned, Be it Enacted by the Authority Aforesaid that they & each of Them, and each & every of their Executors administrators and assigns, Shall be & hereby are vested, with all & Singular the Powers & authorities for gathering Collecting & Recovering the Said Duties and Forfeitures Imposed in the Said Act, in the respective Places the Said Excise is hereby Farmed to Them, which in and by the Same are granted & allowed to Farmers of the Said Excise in as full, ample & Effectual manner to all Intents constructions & Purposes whatsoever, as if the Several Clauses Relating thereto in the Act aforesaid had been at Large Incerted & Enacted in the Body of this Act.

AND Whereas Several People & more Particularly in the City of New York, have Frequently Presumed to Retail Strong Liquors in their Houses without being duly Lycenced for that Purpose, and Whereas such Persons as aforesaid as Likewise Several others who were duly Lycenced to Retail not only sold Strong Liquors to Slaves but often Entertained great Numbers of them at their Houses, or suffered Them to be Entertained there, which Tempted & Encouraged the Said Slaves, to Rob their Masters and others for Supporting the Expence of such vile Practices & at the SAME time contributed very much to Form the Late wicked conspiracy for Burning the Houses & murdering the Inhabitants of the Said City,



FOR Remedy of which Dangerous Evils Be it Enacted by the Authority Aforesaid, That no Person or Persons whatsoever shall be Allowed or permitted to Retail any manner of Strong Liquor in their Houses or Elsewhere, at any time during the continuance of this Act until He she or They have first Entred into Recognizance, That is to Say in the City of New York & Albany before the Respective Mayors thereof and in all the Several Counties of this Colony before two Justices of the Peace in the penal Sum of Twenty pounds with Sufficient Security in the Like Sum Conditioned to keep an orderly House according to Law during the time They shall be so Lycenced to Retail as aforesaid & thereupon the Respective Mayors or the Said Justices, Shall grant to the Person or Persons who have Entered into Such Recognizance a Lycence under his or their hands & Seals to Retail Strong Liquors in such House or Place to be mentioned therein at any time or times During the Continuance of this Act, which Recognizances are to be Lodged by the Person or Persons before whom the Same are taken, viz't in the Cities of New York and Albany with the Town Clerks and in the Counties with the Respective Clerks thereof, and upon Complaint made of the breach of the Said Condition, It shall be Lawfull for the Said Mayor & aldermen of New York & Albany or the greater number of Them, and in the Counties for the Justices at the General or Special Sessions of the Peace to Suppress the Lycence or Lycences of Such offender or offenders.

BE it further Enacted by the Same Authority, That no person or Persons who have obtained Such Lycence as aforesaid, Shall be permitted TO Retail Strong Liquors before He she or they have agreed for the Excise with Such Farmer or Farmers as have taken the Excise, in the place where he she or they Intend to Retail and Secure to him or Them the Payment of the Sum so to be agreed on by Bond or otherwise, at the Discretion of the Said Farmer or Farmers who are thereupon to give a permit in writting unto Such Person or Persons to Retail Strong Liquors.

BE it Enacted by the Same Authority, That if any Person or Persons shall presume to Retail Strong Liquors in this Colony before He she or They have Entred into Recognizance & obtained a Lycence & permit in manner as aforesaid, He she or They so offending, Shall not only be Subject & Lyable to the Penalties & Forfeitures contained in the before Mentioned Act, but moreover Forfeit the Sum of Five pounds to be Recovered in a

Summary way in the Cities of New York & Albany before the Mayor or Recorder & one or more Aldermen of the Said Cities Respectively, and in the Counties by any two Justices of the Peace, one whereof to be of the Quorum, and if upon conviction the Said Forfeiture be not paid, the Same is to be Levied on the goods & Chattels of the offender or offenders, by Warrant under the hands & Seals of the Person or Persons before whom such conviction Shall happen, and if no goods or Chattels are found on which to Destrain it shall be Lawfull to the Person or Persons who heard & Determined the Cause to commit the offender or offenders to Goal without bail or Mainprize for the Space of Three months unless the Said Penalties are sooner Discharged, and the Said Respective Magistrates, Shall be & hereby are fully Impowered directed & Required to hear & Determine these matters in manner as aforesaid, and to give Judgment and if need be to award Execution thereon and to Issue a Warrant or Warrants for committment of offenders as the Case may Require.

AND that the Expence of being qualify'd to Retail may be within the bounds of Moderation, Be it Enacted by the Authority Aforesaid, that no more or greater Sums Shall be Demanded or Received for a Recognizance & Lycence in the City's of New York & Albany, than the usual & accustomed Fees & in the Respective Counties, Than the Sum of Three Shillings.

AND Whereas Several persons as well in the Said Cities as in the County's not being Tavern Keepers dispose of Strong Liquors from their Cellars or Stores under the quantity of Five Gallons, carryed from thence to other Places, Be it Provided & Enacted by the Same Authority, That Such Persons Shall not be obliged to Enter into Recognizance & take Lycence in manner as aforesaid anything contained to the contrary in the aforesaid Act notwithstanding, But that They and Each of them Shall nevertheless, be & hereby are Required & obliged to agree for the Excise with the Respective Farmers thereof & to obtain his or their Permit for so doing before Such Person or Persons shall undertake to retail Strong Liquors without Doors under the Said Quantity of Five Gallons; and in default hereof every offender & offenders Shall be Subject & Lyable to the Penalties & Forfeitures which in Such Cases is directed & mentioned in & by the Act aforesaid.

AND be it Enacted by the Same Authority, That of all the Penalties which may arise upon the Breach of the Recogniz-



ances hereby Directed to be Entred into, one half Shall be to the Informer or Informers, That shall sue for and Prosecute the Same to Effect, and the other half Shall be paid to the Treasurer and Employed by him to Sink Cancel Bills of Credit Struck & Issued upon the Duty of Excise, and that all other Forfeitures which may arise by virtue of this Act, Shall be to the Sole use & benefit of the Farmers Respectively.

AND be it further Enacted by the Authority aforesaid, That all the Moneys to be paid to the Treasurer by the Several before named Farmers, Shall be Employed for & Towards cancelling bills of Credit Struck & Issued upon the Said Duty of Excise, at the time & in the manner Directed in and by an Act Intituled an Act farther to continue the Duty of Excise & the Currency of the bills of Credit Emittted thereon, and to Strike Some new bills for Exchanging Such old ones as are or may be unfit to Circulate, Passed in the Thirteenth year of his present Majesty's Reign, and to and for no other use or purpose whatsoever.

[CHAPTER 732.]

[Chapter 732 of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 1, 1742.]

An Act for the more Effectual Fortifying  
the City of Albany.

[Passed, October 29, 1742.]

WHEREAS from the unsettled State of Affairs in Europe at this time, there is great reason to apprehend a Speedy Rupture with France, and the City of Albany being a Frontier of this Colony, is at present in a Defenceless Condition, the Enclosure round the Same being not only Judged to be too Large, and Extensive but Likewise consists Partly of Stockadoes and Partly of Boarded Fence; which tis Thought necessary Should be Removed and the whole to be made of Stockadoes, with a Proper Number of Block Houses, and the Circumference of Such Enclosure, to be Contracted into a Smaller compass, by which means the Said City may with more Ease & Security be Defended in Case of any Attack.

BE it Therefore Enacted by his Honour the Lieutenant Governour, the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That Dirck Ten Broek, John De Peyster, Hendrick Ten Eyck, Hans Hansen and Phillp

Livingston Jun'r or the Major part of Them Shall be & hereby are Authorized & Impowered to Fix upon a Line round the Said City on which to Erect Stockadoes & Block Houses in such manner as they shall Judge proper & necessary at or before the first day of December next Ensuing the Publication hereof, AND That when Such Line Shall be Fixed they shall make a Draft thereof & Deliver the Same to the Mayor Recorder Alderman & Common Council of the Said City who are Immediately to Transmit the Same to the Governour for his Approbation and pay for making Said Draft.

AND be it further Enacted by the Authority Aforesaid that when the Said Mayor Recorder Aldermen & Common Council Shall have received the Governours Approbation, it shall & may be Lawfull for the Mayor Recorder, Aldermen & Common Council, and they are hereby Required and Directed to make a Computation of the Number of Stockadoes, which will be wanting & necessary to be gotten in order to the Finishing and Compleating Such Fortifications round the Said City, and then the Mayor, Recorder & Aldermen of the Said City or the Major Part of Them are hereby Authorized Impowered & Required to Assemble Themselves at the City Hall of the Said City or at Such other Place as to them Shall Seem meet, at any time within Ten Days after Receiving the Governours Approbation, & that Then They Shall assess Each & Every Freeholder Inhabitant & Resident of the whole City aforesaid, how many and what Number & Proportion of Stockadoes, Each Such Respective Freeholder Inhabitant & Resident Shall at his or their own Expence, Cause to BE Brought to the City in order to the carrying on Such Fortification and to Such Place in the City, & within Such convenient time, as the Said Mayor, Recorder & Aldermen Shall Direct and in Case any Person Shall Refuse to bring the Number he is Ordered, to the Place directed, within the time, he shall for Each Stockado he neglects or Refuses to bring Forfeit the Sum of Five Shillings to be Recovered by Action before any Justice of the Peace, which mony shall be applyed Towards compleating the Said Fortification

AND be it further Enacted by the Authority Aforesaid, That if it should be Judged Proper that any of the Block Houses or Stockadoes already Erected should be Removed to any other Place That then and in such Case it shall & may be Lawfull for the Said Mayor, Recorder, Aldermen & Common Council to Cause the Same to be pulled down & to be Rebuilt in Such



other Place or Places on the aforesaid Line round the City, and in Such other manner as they shall think Proper at the Expence of the Corporation of the Said City.

AND Whereas by the Erecting Such Stockado and block houses hereby Provided to be Built, it will unavoidably happen that Part of the Lotts of Ground or Pasture of private Persons will be cut of whereby many Disputes may be Likely to arise. BE it therefore Enacted by the Authority aforesaid, That it Shall & MAY be Lawfull to & for the Said Mayor, Recorder, Aldermen & Common Council, or the Major part of Them to Summons the owner or owners of Such Lands before Them and Endeavour in a Friendly & Amicable manner to purchase the Said Lands for the use of the Said City, at Such reasonable Rates as they shall agree on But if the owner or owners of Such Lands Shall be Unwilling to Sell & dispose of the Same for the use aforesaid or that the Price cannot be agreed on, that then it shall & may be Lawfull to & for the Said Mayor, Recorder & Aldermen or the Major part of Them to Issue their Warrant Under their hands and Seals directed to the High Sheriff of the Said City and County, To Summon Twelve good & Lawfull Men of his Bailwyck not Interested therein, to View the Lands & Possessions of Such Person or Persons respectively on which Such Fortifications Shall so be Directed to be Built, and to appraise the Value thereof and the Damage which the owner or owners thereof may Reasonably Suffer by reason of Such Fortifications being thereon Erected and return the Same to the Said Mayor, Recorder & Aldermen, or the Major Part of Them under their Hands & Seals, and thereupon the Said Mayor, Recorder Aldermen & Common Council of the Said City shall Cause the Sum so appraised to be paid to the Respective owner or owners of the Said Lands WITHIN Six months next after Such Appraisement made and Returned in manner aforesaid, and upon Such Payment Such Lands & Possessions Shall be held Deemed & Esteemed to belong to the Corporation of Said City & their Successors for Ever.

AND be it hereby Enacted, That the Said Mayor, Recorder, Aldermen & Common Council, Shall cause the Said Stockadoes to be Set up as soon as conveniently can be done after their being brought to the Places, at the proper Cost & Charges of the Said Corporation.

## [CHAPTER 733.]

[Chapter 733 of Livingston & Smith and Van Schaack, where the title only is printed. Expired September 1, 1743.]

An Act for Paying out of the Moneys Appropriated for the Support of this Government, the Salaries Services and Contingencies therein Mentioned, Until the first Day of September one Thousand Seven Hundred & Forty Three.

[Passed, October 29, 1742.]

THAT as well the Salaries of the officers as the Several Services & other Necessary Contingencies of this Colony from the first day of September one Thousand Seven Hundred & Forty two, To the first day of September which will be in the year one Thousand Seven Hundred & Forty Three may be Duely & Regularly Discharged, out of the Moneys Appropriated for the Support of this Government. BE it Enacted by his Honour the Lieutenant Governour, the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Treasurer of this Colony, Shall be & hereby is Impowered & Required to Pay at the respective times, and in the manner hereinafter Directed, out of the Interest Money arisen or to arise by virtue of an Act Intituled an Act, for Emitting bills of Credit, for the Payment of the Debts, and for the better Support of the Government of this Colony & other Purposes therein Mentioned, Passed in the Eleventh year of his present Majesties reign, and out of Moneys arisen or to arise by Virtue of another Act Intituled an Act to continue an Act Intituled an Act for & Towards Supporting the Government of this Colony, by Granting to his Majesty the Duties therein Mentioned, from the first day of December, one Thousand Seven Hundred & Forty, To the first day of December one Thousand Seven Hundred and Forty one, Passed in the Fifteenth year of his Said Majesties Reign, as Likewise out of the Moneys that shall arise by virtue of one other Act PASSED in this present Session whereby the Last Mentioned Act is further Continued to the first day of December, which will be in the year One Thousand Seven Hundred & Forty Three, the Several Salaries Services & Allowances following, That is to Say.

TO his Honour the Lieutenant Governour for his Administring the Government of this Colony from the first of September Last,



To the day he may be Superceeded in the Said Administration, or until the first day of September next Ensuing which Shall first happen, after the rate of Thirteen Hundred Pounds pr Annum.

To the Said Lieutenant Governour in Consideration That the Buildings in Fort George are Burnt down, For the Rent of a House from the Eighteenth day of March Last, To the day, He may be Superceeded as aforesaid, or Until the Eighteenth of March next, which Shall first happen, after the rate of Fifty Pounds pr Annum.

TO Captain Stephen Van Renselaer for Providing & Furnishing Fire Wood & Candles to the Several Garrisons in the City & County of Albany, from the Thirteenth of June Last, Until the Thirteenth of June which will be in the Year one Thousand Seven Hundred & Forty Three, upon his Producing a Certificate of the Commanding officer There for the time being, or other Proper Certificates, That the Said Garrisons have been Duely Supplied according to the true Intent of this Act, The Sum of Two Hundred Pounds.

TO the Commissioners of Indian Affairs at Albany for their Disbursements & Expences to & Concerning the Six Nations & other Indians, and for Presents to Them as Occasion may Require for the Service of the Colony, and Confirming Them in the Brittish Interest, from the first day of September Last, Until the first Day of September which will be in THE year one Thousand Seven Hundred & Forty Three, the Sum of One Hundred & Seventy Pounds, [And for Extraordinary Incidents at this Critical Juncture, The sum of Thirty Pounds more]

TO Cornelius Van Slyck Jun'r & Company for having by order and for the Service of this Government Resided in the Sinnekas Country from the first Day of September one Thousand Seven Hundred & Forty one, To the first day of September in this present year one Thousand Seven Hundred & Forty two, as well to amend the Arms of the Indians of that Nation, and to confirm them in the Brittish Interest, as to prevent the French from making any Settlement in that Country, The Sum of Eighty Pounds, and his Receipt to the Treasurer Shall be a good Voucher & Discharge for the Said Sum

TO Barent Staats Jun'r & Peter Lansing for having, by order of the Government & of the commissioners of Indian affairs, Resided at their own Expence Four months this Last Summer in the Cajouga Country, & During that Time amended the Arms

& Repaired the Hatchets of that & Some other of the Neighbouring Indian Nations, The Sum of Thirty Five pounds; and their Receipts for the Same Shall be to the Treasurer a good Voucher & Discharge for the Said Sum.

TO Cap't Peter Winne for the Cost of a Pair of Bellows, an Anvil, a Vice, Tongs, Files & other Smiths Tools & Instruments (and Some Iron and Steel) Carried by the above named Staats & Lansing for the Purposes aforesaid into the said Cajouga Country, where the Same remain under the care of the Sachems thereof, The Sum of Twenty one pounds & seven pence half penny, and a Receipt for it from the Said Cap't Winne Shall be a good Voucher & Discharge to the Treasurer for that Sum.

TO Jacobus Bleeker for his Salary as Indian Interpreter in the City & County of Albany, and for all the Services he has Performed in that Capacity from the first day of March last passed To the first day of September following THE Sum of Forty Five pounds, and in Consideration of the Difficult Circumstances in which the Late Interpreter Lawrence Clasen Left his Children, The Assembly Pray that notwithstanding the Said Lawrence Dyed a few Days before the Said first day of March, his Salary may nevertheless be allowed to his Executors or administrators for the benefit of his Said Children until the aforesaid first day of March Last.

TO the above named Jacobus Bleeker for his Salary as Indian Interpreter, in the Said City & County, and for all other Services that he been or may be Directed to Perform, by the Governour or the Commissioners of Indian Affairs, from the Said first day of September Last, until the first day of September which will be in the year, One Thousand Seven Hundred & Forty Three, after the Rate of ninety Pounds pr Annum.

TO the Reverend Henry Barcklay for his Care Diligence & Industry, to Instruct the Indians in the Christian Religion, and in reading & writting, and thereby Confirming Them in the Brittish Interest, the Sum of Twenty Pounds, and his Receipt Shall be to the Treasurer a good Voucher & Discharge for that Sum.

TO James De Lancey Esq'r as chief Justice of the Supreme Court of this Colony, & for going the Circuits in the Several Counties thereof, from the first of September last passed, to the first day of September which will be in the Year, One Thousand Seven Hundred & Forty Three, The Sum of Three Hundred



Pounds, and after that Rate if by Death or otherwise, He should not hold that Post, so long as to the time Last mentioned.

TO Fredrick Phillipse Esq'r as Second Justice of the Said Supreme Court, & for his going the Said Circuits from the first of September Last, To the first Day of September, which will be in the Year, One Thousand Seven Hundred & Forty Three, The Sum of One Hundred Pounds, and after that rate if by Death or otherwise he should not hold that Post until the Day Last Mentioned.

TO Daniel Horsmanden Esq'r as Third Justice of the Said Supreme Court, & for his going the Circuits, when there Shall happen to be Occasion for it, from the first of September Last To the first Day of September, which will be in the year One Thousand Seven Hundred & Forty Three, The Sum Of Fifty pounds & After that Rate if by Death or otherwise He should not hold that Post so long as to the Day last Mentioned.

TO the Secretary of this Colony for Enrolling & Engrossing the Acts of the General Assembly, from the first of September Last, To the first day of September which will be in the Year One Thousand Seven Hundred & Forty Three, The Sum of Thirty Pounds

TO the Clerk of the Council, for his Services & Attendance on the Council during the Sitting of the General Assembly and for all other Publick Services Performed or to be Performed by him in that Station from the First of September Last, to the first Day of September which will be in the Year One Thousand Seven Hundred & Forty Three, The Sum of Thirty Pounds.

TO the Door Keeper of the Council for all his Services in that Station from the first of September Last, To the first day of September Which will be in the year One Thousand Seven Hundred & Forty Three, The Sum of Twenty pounds.

TO William Bradford, as Publick Printer to this Colony, For printing the Votes, Proceedings & Acts of the General Assembly, & delivering a Set thereof to Each of the Members of the Council & General Assembly, as Likewise a Set of Acts to Each of the County Clerks, for the use of the Counties; and for Printing Proclamations & all other Publick Acts of the Government, from the first of September Last to the first day of September which will be in the Year, One Thousand Seven Hundred & Forty Three, after the Rate of Fifty Pounds pr Annum.

TO Samuel Heath as Land & Tide Waiter of the Colony Duties, or to the Land & Tide Water thereof, for the time being from the first OF September Last To the first day of September, which will be in the year One Thousand Seven Hundred & Forty Three, after the Rate of Thirty pounds pr. Annum.

TO John Kip for his Services as Guager of Liquors Subject to the Said Duty, or to the Guager thereof for the time being, From the first of September Last, To the first day of September, which will be in the year One Thousand Seven Hundred & Forty Three, after the Rate of Thirty pounds pr. Annum.

TO George Duncan Clerk of the General Assembly, or to the Clerk thereof for the time being, for his Services in that office, and for Engrossing all Publick Acts & furnishing Paper, from the first of September Last, to the first Day of September which will be in the Year One Thousand Seven Hundred & Forty Three, at the rate of Twelve Shillings a Day, Payable upon a Certificate of the General Assembly, Signed by the Speaker thereof for the Number of Days he has Served or Shall Serve in Each Session.

TO the Said George Duncan for his Extra Services in this and Former Sessions the Sum of Six pounds, and his Receipt to the Said Treasurer, Shall be a Sufficient Voucher & discharge for the Same.

TO Alexander Lamb as Door Keeper to the General Assembly, or to the Door Keeper thereof for the time being, from the first of September Last, To the first day of September, which will be in the Year One Thousand Seven Hundred & Forty Three, At the rate of Five Shillings a Day, Payable upon a Certificate of the General Assembly, Signed by the Speaker thereof for the Number of Days he has Attended, or Shall Attend that Service in Each Session, out of which Sundays are to be Deducted

TO the Said Alexander Lamb for Sundrys for the use of the HOUSE Fifty Shillings, and his Receipt to the Treasurer Shall be a Sufficient Voucher & Discharge for the Same.

TO John Cruger, William Roome, John Roosevelt Esq's and Cap't Henry Row, who by an act Intituled an act to apply the Sum of Six Hundred & Seventeen Pounds Thirteen shillings and four pence half penny, for Repairing Fort George for Transporting Volunteers to the West Indies, and for other the Purposes therein Mentioned, Pass'd in the Fifteenth year of his Majesty's reign are appointed Commissioners for repairing &



Pounds, and after the sum of Two Pounds, to & for completing the Stone Plat-  
not hold that Port in Fort George and in the Battery on the

TO Frederick T. ...  
Supreme Court,  
of September 1 ...  
be in the Year ...  
The Sum of O ...  
Death or other ...  
Last Mentioned ...

TO Daniel  
Supreme Co  
happen to be  
To the five  
Thousand  
pounds &  
not hold

TO the said Act and be intitled to the Same  
 Last, To be followed to Them, as fully & amply to all Intents  
 One The said Purposes whatever, as if the Several Clauses  
 Thirty had been Inserted and Enacted in the Body

TO the Hon<sup>ble</sup> John De Peyster Esq'r Treasurer of this Colony,  
on the 1<sup>st</sup> of September he has Performed & Shall Perform in that  
for all the sum of September Last, To the first day of Sep-  
by him will be in the year One Thousand Seven Hundred  
the sum of Two Hundred Pounds.

Due & orderly Payment of the several Articles  
from & to the time Last mentioned He it

TO THE ACT from & to the time last mentioned, be it  
that as the Authority aforesaid, That the following allow-  
of \$2000 be upon Warrants Issued in Council Signed by the  
Hundred as Commander in chief for the time being, by & with  
Consent of the Council at the respective times

TO the consent of the Council, at the respective times  
Mentioned, That is to Say.

Articles to the present Lieutenant Governor for Salary  
 1000 £. To the Three Justices of the Supreme Court:  
 1000 £. To the Chief Justice: To the Secretary, To the Clerk of the  
 1000 £. To the Interpreter: To the Door keeper of the Council To the Printer to  
 1000 £. To the Tide Waiter; & to the Guager Quarterly Either from  
 1000 £. Day of September Last, or from the Particular times  
 1000 £. in the allowances of any of the Said Articles, and

for the following Articles viz't Fire wood & Candles at Albany: For the commissioners of Indian Affairs after the Thirteenth of June next.

BE it Enacted by the Same Authority, That Every Such Warrant and Warrants as Aforesaid, Issued at the Times, and in the manner before Mentioned for the Respective allowances above Mentioned, Shall be Payd by the Treasurer out of the Moneys hereby applyed for that Purpose, To the Person or Persons unto whom the Same are made Payable, or to his or their assigns and his or their Receipts thereon, Shall be to the Treasurer a good Voucher & Discharge in Law for so much as Shall thereby be acknowledged to have been Received of him, allways Provided that the Same do not Exceed the Respective Sum or Sums allowed in this Act.

BE it Enacted by the Authority aforesaid, That if the Lieutenant Governour Should happen to Die, or to be Superceeded in the Administration of this Government; Or that any of the before Mentioned officers Should happen to Die or to be Removed from their respective Offices before the first day of September which will be in the year one Thousand Seven Hundred & Forty Three, Warrants may be Issued in manner as aforesaid, for so much only out of the Respective Sum or Sums allowed in this Act, as at the time of Such Death, Supercedure or Removal, Shall Bona Fide be then Due to him or Them. And if Such Warrant or Warrants, Shall not Exceed Such Arrear, The Treasurer is to Pay the Same, to Such officer or officers respectively, or to his or their Executors Administrators or Assigns. And the Remainder of Such allowance or allowances is to be kept in the Treasury, till Disposed of by Act or Acts thereafter to be Passed for that Purpose.

BE it Enacted by the Same Authority, That if by mistake or otherwise any Warrant or Warrants, might Issue in manner as Aforesaid for any matter or thing not Provided for in this Act, or Exceeding the Respective Sum or Sums allowed in it, and that the Same Should be Tendered for Payment to the Treasurer, He is hereby Strictly Charged & Required not to Pay the Same, And if any Suite or Suites Should be brought against him for such Refusal or Refusals, He is to plead the General Issue, and give this Act in Evidence, and if a Verdict pass for the Defendant, or the Plaintiff be non Suit, or forbear Prosecution, the Defendant, shall have a Treble Cost, to be Recovered as in other Cases where Costs are given by Law to Defendants.



BE it Enacted by the Authority Aforesaid, That the allowances to the Clerk & Door Keeper of the General Assembly, Shall be pay'd by the TREASURER upon their Producing to him the Certificates herein before Mentioned, and their respective Receipts thereon, Shall be to him good Vouchers & Discharges for so much as in Such Receipts Shall be acknowledged to be Received, Provided the Same do not Exceed the Rates hereby Severally allowed to Them, And that the following allowed viz't To Cornelius Van Slyck Junr. To Staats & Lansing, To Cap't Winne, To Mr. Barcklay, The Additional Articles to George Duncan & Alexander Lamb, and to the Commissioners for Fortifications, as Likewise the herein after Mentioned Articles to Cap't Cosby, Shall be Pay'd by the Treasurer to them respectively in the manner Directed in this Act, and that the Two Hundred Pounds therein allowed to the Treasurer, for the Services & during the time before Mentioned, Shall be a good Discharge to him for so much in his Accounts.

BE it further Enacted by the Same Authority, That when all the Several Articles herein before allowed, Shall be Pay'd & Discharged in the manner Directed in this Act, out of the Monies hereby applied for that Purpose, All the Remainder of the Said Monies Shall be kept in the Treasury for the Support of this Government, until the Same Shall be applied & Disposed of by Act or Acts of the General Assembly hereafter to be Passed for that Purpose.

AND be it Enacted by the Authority aforesaid, That the Treasurer Shall keep Exact Books of the Several Payments which by this Act He is directed to make, and to Render True Accounts thereof upon Oath, to the Governour or Commander in chief for the time being, to the Council or to the General Assembly, when by them or any of them thereunto Required.

AND Whereas it appears that the Sum of Twenty Pounds Remains in the Treasury out of the sum of Five Hundred Pounds, Allowed for Transporting & Victualling One Hundred Recruits to the West Indies by virtue of an Act Intituled an Act to apply the Monies Granted for the Support of this Government, For Payment of the Salaries Services & Contingencies therein Mentioned, Until the first of September, One Thousand Seven Hundred & Forty two; and for Transporting Recruits to the West Indies, Passed in the Fourteenth year of his Majesties Reign;

AND whereas it Likewise appears by a Receipt of Cap't. David Whitney That Cap't William Cosby has Pay'd him for the Passages of Four Recruits more than was Provided for by another Act, Intituled an Act, to apply the Sum of Seven Hundred & Seventeen Pounds Thirteen Shillings & Four Pence half Penny for Repairing Fort George, For Transporting Volunteers to the West Indies and for other the Purposes therein Mentioned, Passed in the Fifteenth year of the Said reign, And the General Assembly being desirous that the said Cap't Cosby Should be Reimbursed for the Said Passages by the overplus above Mentioned. BE it Enacted by the aforesaid Authority, that the Treasurer do Pay the first Mentioned Sum of Twenty Pounds, to the Said William Cosby, and his Receipt for the Same Endorsed on the Said Receipt of Cap't Whitney, Shall be a good Voucher & Discharge to the Said Treasurer for that Sum.

## [CHAPTER 734.]

[Chapter 734 of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 1, 1744.]

An Act for Supporting the Garrison at Oswego, & to Regulate the Furr Trade in the County of Albany.

[Passed, October 29, 1742.]

WHEREAS by means of the Trading House at Oswego, the remote Nations of Indians have been greatly Encouraged to Trade there, whereby our Furr Trade has been very much Increased, to the Benefit of those who Trade Thither, and at the Same time Enables us to make very Valuable Returns to great Britain: But as the Funds granted for Victualling the Garrison Posted there and for Defraying the Necessary Contingencies requisite to Support the House and Trade Aforesaid will Expire on the first day of November next, a further Provision is required to uphold a Place and Trade of that Importance, which the General Assembly being willing to grant.

BE it Enacted by his Honour the Lieutenant Governour the Council & the General Assembly and it is hereby Enacted by the authority of the Same, That there be given and granted unto his Majesty his Heirs and Successors to and for Supporting the Trading House at Oswego, to Victual the Troops Posted or



to be Posted there, and to defray the contingent & necessary Charges attending the Same, from the first day of November in this present year one Thousand Seven Hundred & Forty two To the first Day of November which will be in the year one Thousand Seven Hundred & Forty-Four, and to & for no other use or purpose whatsoever, The duties & Impositions following on the goods hereafter Mentioned, which Shall be sold, carried or Transported in order to be disposed of to the Indians or to the French from the Said first Day of Novemer in the year one Thousand Seven Hundred & Forty Two To the first Day of November which will be in the year one Thousand Seven Hundred and Forty four both Inclusive. That is to Say.

On every piece of Strounds or other Cloaths the quantity of one ounce & Five penny weight of Sevil, Pillar or Mexico Plate or Ten Shillings in bills of Credit made currant in this Colony.

AND on every Gallon of Rum, or other distilled Liquors one Shilling in like Mony, Except an Allowance of Ten pr Cent for each Battoe or Canoe, for their Store & so in proportion for a greater or Lesser quantity.

AND for the better Securing the Payment of the Said duty Be it Enacted by the Authority aforesaid, That every Person & Persons carrying, Sending or Transporting any Strouds, or other Cloaths, Rum or Other Distilled Liquors (Except as before Excepted) from the City of Albany or from any part of the Said County, whether Sold or with Intent to Sell the Same to the Indians or to the French, Shall first Enter with or Report to the Commissioners herein after named, or to one of their Deputies, the full & Exact quantity thereof, and at the Same time become bound to Pay the Duties by this Act Imposed on the Said Goods, unto them or their Order, within Three Callender months after Such Entry, and Secure the Payment thereof by Recognizance or Bond, or Bill, at the Election of the Said Commissioners or their Deputies.

AND be it further Enacted by the Authority Aforesaid that Immediately after the Said goods are so Entred and the Duties thereof Secured in manner aforesaid, then the Said Commissioners or Either of Them, or their Deputy shall give Proper Certificates under his or their hands & Seals of the Persons name so Entring & the Quantities and Species of the goods, for which the Duty is so Secured; and for Such Certificate of all the goods, so Entred at one time, the Party so Entring the Same, Shall Pay unto the Commissioners for their Trouble THEREIN

one Shilling and for a Recognizance, Bond or Bill Two Shillings and no more.

AND That the Payment of the Duty hereby laid on Strouds or other Cloaths may not be Eluded, by cutting Them into Small Pieces, BE it Enacted by the Authority aforesaid, That of Strouds Cut & sold in Small Parcells, Every Twenty four yards Shall be accounted as one Piece, and be Subject to Pay the Duty of Ten Shillings laid on it by this Act and so in Proportion.

AND be it also Enacted by the Authority aforesaid, That all Such Strouds or other Cloaths & Rum or other Distilled Liquors, as Shall be sold to the Indians or French during the Continuance of the Said Duties the Person or Persons, so Selling the Same, Shall be Subject Liable & answerable for the Duties laid thereon by this Act, and Shall be obliged upon oath to Declare the full quantity of the Goods so Sold if thereunto required by the Said Commissioners or Either of Them and to Pay the Duties thereof as fully and Effectually as if the Party had Entred into Recognizance for the Same.

BE it further Enacted by the Authority aforesaid, that if all or any part of Strouds or other Cloaths, so Entred and the Duties thereof Paid or Secured, by any Person or Persons in manner as aforesaid Shall be unsold and returned to the place, where a Certificate was granted for the Same, The Said Commissioners are hereby directed & Required, Either to remit or deduct out of the Recognizance, Bond or Bill given for the Duty thereof so much as the Duty of Such returned Strouds or other Cloaths amount TO or to Pay the Same back to the Party if such Duty is paid to the Commissioners before that Time, Provided the Party requiring Such Remittance or Repayment first Swear on the Holy Evangelists that such Strouds or Other Cloaths, were Actually Entred & Duty paid, or Secured to be paid for them within Six Days before such Swearing; and likewise that He or She, will not again Send, carry or Transport Them for Sale, to the Indians or French until He or She Shall first Enter & Secure the Duties thereof.

AND to prevent Strouds or other Cloaths, Rum or other distilled Liquors from being Clandestinely, Sent carryed or Transported for Sale to the Indians or French. BE it Enacted by the Authority Aforesaid That if the Said Commissioners Shall during the time a Duty is hereby laid on those goods, have Information or just cause to suspect, That any Person or Persons



has or have Sent carryed or Transported any Such goods or Liquors before Mentioned or Either of them without Entring or more than Entred, It Shall be Lawfull for the Said Commissioners and they or one of Them are hereby Required to Summons Such person or persons before him or Them, and He She or They so appearing, Shall be obliged to make Oath before him or them of the full quantity of Strouds or other Cloaths, Rum or other distilled Liquors, Sent, Carryed, or Transported for Sale to the Indians or French by or for him her or them so Summoned; from a time to be named by the Commissioners; and upon Such Information or Suspicion afterwards, he or they shall & may Issue Such Summons or Summones again & again, and cause Such oath to be Administred, Provided the time do not Extend beyond the time at which the Party Swore last.

AND if upon Such oath or oaths it appears that more is Sent carryed or Transported than what has been duly Entred, the party or parties is, and are hereby obliged Immediately to Pay a Double duty for all Such goods as shall appear to be Sent or Sold without Entry, or more than Entred, or Enter into Recognizance to pay it within Ten days thereafter, and on Failure of Either, the Same is to be Recovered before any two Justices of the Peace in the City or County of Albany who are hereby Impowered & Required to award Judgment and (if need be) Executions accordingly; and if the Party or Parties, so summoned as aforesaid do not appear at or within Fourteen Days after Such Summons is personally Served upon him her or Them or Left at his her or their usual Place of abode, or appearing do refuse to Swear and give an account as aforesaid in Either of Such Cases, he she or they Shall Forfeit unto his Majesty his heirs and Successors to and for the use of the Said Trading House, the Sum of Fifty pound, To be recovered in any Court of Record within this Colony, by action of Debt Bill, Plaint or Information, wherein no Essoyn, Protection, Wager of Law or any more than one Imparliance shall be allowed, and if Such Person or Persons be afterwards Summoned, the Oath shall only be Required from the time the last Summons was dated; and the Said Commissioners are hereby Impowered & Authorized to administer the Several oaths in this and in the foregoing Clause Mentioned.

BE it further Enacted by the Authority Aforesaid, That if any Rum, or other distilled Liquors, Strouds or other Cloaths

be found to the Westward of the Town of Schanagtade, or any Strouds or other Cloaths beyond the Bounds of the City of Albany to the Northward without Such Certificate as Aforesaid, the Same Shall be Forfeited unto his MAJESTY his Heirs & Successors and recovered in any Court of Record within this Colony, by Bill, Plaint or Information wherein no Essoyn Protection or Wager of Law, or any more than one Imparliance Shall be allowed, one half of which Forfeiture, to be for the use of the Trading House at Oswego, and the other half to & for any Person or Persons Seizing, Informing & Prosecuting the Same to Effect.

AND be it further Enacted by the Authority Aforesaid, That John De Peyster & Phillip Livingston Jun'r Shall be and hereby are appointed Commissioners, for managing, Securing & Collecting the Duties above Mentioned; And for the Effectual doing thereof, They are hereby fully authorized to Receive such Entries or Reports, & to grant and Issue Such Certificates as aforesaid, Likewise to appoint one or more Deputies under Them, with the Like or Limited Power, allways Provided, That they Shall be answerable for the Conduct & management of such Deputy or Deputies, Provided likewise, That all the Money to arise by virtue of this Act, Shall be received by the Said Commissioners or Either of Them and by them from time to time be Transmitted to the Treasurer of this Colony, and if one of Them happen to Die, before the Determination of the Said Duties, all the Said Power shall Devolve on the Survivour of Them, and in Case they both Die within the Said time, Then the first Deputy to be appointed by Them, Shall have the Same Power & authority hereby given unto the Said Commissioners until another SHALL be appointed by a Subsequent Act, and in the meanwhile be Subject to all the Directions and Rules, and to take the Same oath, and to Enter into the Like recognizance, and be Intituled to the Same Reward, as in this Act is and Shall be Mentioned on the behalf of the above named Commissioners.

AND be it further Enacted by the authority aforesaid, That the Said Commissioners Shall be & hereby are obliged to do & Perform everything by this Act required of Them to be done & Performed According to the True Intent & meaning thereof, and not only keep Exact books of all the Duties to arise by virtue of this Act, but also to Render True and just Accounts thereof upon oath, To the Governour or Commander in Chief



for the time being the Council or the General Assembly, when by Them or any of Them thereunto Required; and of all the Several Sums they shall Receive and Transmit to the Treasurer, It shall be Lawfull for Them, to Retain in their hands as A reward for their Trouble and care, by this Act required to be done & Performed by Them, Five pounds on Every Hundred Pounds, and after that rate for a greater or Lesser Sum, so Received & Transmitted as aforesaid.

BE it also Enacted by the Authority Aforesaid, that Each of the Commissioners above named, Shall on or before the Fifteenth Day of November next, Take the following Oath on the Holy Evangelist BEFORE the Mayor or Recorder or any two of the Aldermen of the Said City viz't:

L. A. B. do Swear, that I will not During the Continuance of the Duties Imposed by this Act, Issue any Such Summons or Administer any Such Oath as I am thereby Impowered to do, against or to any other Person or Persons, Than Such as I really Suspect, or be Informed to have Sent, Carryed, Transported or Sold to the Indians or the French, Strouds or Other Cloaths, or Rum, or Other distilled Liquors, without Entering the Same, or more than what has been so Entred, and that if I Send Transport or Sell to the Indians or to the French, any of Such Goods on my own Account or in Partnership with others, I shall give full Credit for the whole Duty thereof, in the book to be kept of the Said Duty.

So help me God.

AND Each of the Said Comissioners are hereby further Obligated, at or within the time Aforesaid, To Enter into Recognizance with two Securities unto our Sovereign Lord the King his Heirs and Successors before the Said Mayor or Recorder in the Sum of one Thousand Pounds, and Each of the Securities in the Sum of Five Hundred Pounds conditioned That he shall and will well & Truely Execute what by this Act, he is Impowered and Required to do in Relation to the Duties therein Mentioned to Pay the money arising thereby, and Render true Accounts thereof as in and by this Act is Directed

BE it further Enacted by the Authority aforesaid, That THE Said Mayor, Recorder, or any two of the Aldermen of the Said City of Albany who shall Administer the afore Mentioned Oath to the Said Commissioners or take the above Mentioned Recognizances of Them, Shall within two Months after the Date thereof, Transmit unto the Treasurer of this Colony, The Said Recognizances, as also a Certificate, That Such Oath as afore-





above named Commissioners or one of Them, the full Sum of

Current Money of this Colony, as also That he shall not, and will not, At any time hereafter, Directly or Indirectly, Defraud, Cheat or abuse any Indian or Indians whatsoever, in any kind or Sort of Dealing or Trading with Them, Especially by mixing or knowing THE Same to have been Mixed, or Putting Water or other Small Liquors into any of the Rum or other Distilled Liquor He Shall Sell or Truck with Them or any of Them at Oswego or Elsewhere and Shall not or will not, Wittingly or willingly Hurt, Injure or in any wise Personally abuse or misbehave himself Towards any of the Said Indian or Indians, Then this Recognizance to be Void, otherwise to Stand & Remain in full Force

AND be it Enacted by the Authority Aforesaid that the Commissioners of the Said Duties Shall be and hereby are fully Authorized & Impowered to take the Several Recognizances as hereby Directed to be taken before Them, and that Such Recognizance or Recognizances Shall be as good & Effectual in Law as if the Same had been before any one of the Justices of the Supreme Court in this Colony, any Law or Practice to the Contrary in any wise notwithstanding.

AND for the more Effectual Securing of the Duties Imposed by this Act, on Strouds, Cloaths, Rum or other Distilled Liquors, BE it Enacted by the Authority aforesaid, That all Persons, Sending, Carrying, or Transporting the Said Goods or any of them to Oswego, Shall besides Entering into Recognizance for the Duty thereof, Take a Certificate from the Commissioners of the Said Duties, or their Deputies, that the Duties are Secured of the Several quantities & Species to be Mentioned therein, and to Certify in the Same, That the Party has taken the oath hereinafter Prescribed, which Certificates THE Said Commissioners or their Deputy, is hereby Required to give which Certificate or Certificates are to be Produced & delivered to the Commissary or to the Commanding Officer at Oswego, for the time being, and if any Trader or any other Person Shall Presume to carry any of the aforesaid goods without such Certificate or more than Shall be Mentioned therein, The same shall be Forfeited to his Majesty his Heirs & Successors, one half thereof for the Benefit of the Said Commissary or Commanding officer or any other Person that shall seize the Same, and the other half to & for the use of the Said Trading House at Oswego, and it shall & may

be Lawfull for them or Either of them, to make Seizure Accordingly, and to dispose of the goods So Seized for the use above Mentioned.

AND be it further Enacted by the Authority aforesaid That the Said Commissioners, and Each of Them are Authorized & Impowered, and are hereby Enjoined & Required before He or they grant Such Lycence to Administer an oath unto every Such Indian Trader to the Effect following, That is to Say.

I, A. B. do Solemnly Swear in the Presence of Almighty God (or if a Quaker Sincerely and Truely Declare & Affirm) That I will not hence forth at any time during the Continuance of my Lycence & absence from home by my Self neither shall my agent Deputy, Factor or Partner with my knowledge or Conivance, Sell or Truck, or Cause to be sold and Truck'd to any Indian or Indians whatsoever any Unmerchantable Rum or other Distilled Liquor, nor will I directly or Indirectly, by any ways or means whatsoever, knowingly or willingly Deceive Defraud or Impose upon Them or any of Them, by Selling any Unmerchantable Rum or other Distilled Liquor with whom myself or any one for me Shall hereafter buy, Sell, Truck or Traffick or any wise deal or Trade, and I do farther Swear That of all the Rum or other distilled Liquor which I shall Send or carry to Oswego, I shall Enter the full quantity thereof with one of the Commissioners of the Oswego Duties or with one of their Deputies.

So help me God.

And of the quantity so Sworn to the Said Commissioners or the Said Deputy is to allow Duty Free, the Ten per Cent allowed by this Act, for the use herein before Mentioned

AND be it further Enacted by the Same Authority, That every Such Indian Trader as aforesaid, Shall be obliged & hereby is Enjoined to take the oath above Mentioned, at the Same time, He, she or They Shall receive his Her or their Lycence to Trade, and if any Such Indian Trader or Traders, Shall afterwards be convicted by the oath of one or more Credible witness or witnesses, before the Said Commissioners or any of his Majesties Justices of the Peace, for the County of Albany, who are hereby Authorized & Required to hear & Determine the same, of a Willfull breach of his Said oath or Affirmation, He or they so convicted, Shall by warrant under the HANDS and Seals of the Said Commissioners or Such Justice of the Peace be Immediately committed to the Common Goal of the Said County there to



Remain without Bail or mainprize for the time of Three monts and be Intirely Incapacitated by himself or by any agent or agents directly or Indirectly to Deal or Trade with the Indians, for the Space of Two years after Such Commitment, and Shall also Forfeit the sum of Twenty Five Pounds (over and above the Penalty of the Said Recognizance) one half to the Prosecutor, and the other half to & for the use of the Said Trading House at Oswego, To be Sued for & Recovered before the Said Commissioners or any one of his Majesties Justices of the Peace for the Said County of Albany in manner aforesaid.

AND to prevent more Effectually, the Selling of Rum or other distilled Liquors which is unmerchantable, Adulterated or Mix'd with water to the Said Indians or any of Them, Be it Enacted by the Authority Aforesaid, That from and after the Publication and during the Continuance of this Act, it shall be Lawfull for the Commissary, Residing or to Reside at Oswego, or in his absence for the Commanding officer there, and the Said Commissary or Commanding officer are hereby Required to Examine, Taste & Prove once every week or Oftener, all the Rum or other Distilled Liquor, That is or shall be Brought to Oswego, and if upon Such Examination or Examinations any such Liquor Shall be found that is not really good & Merchantable, the Said Commissary or officer is hereby Required to Seize the Same, and thereupon Immediately take to his Assistance two or more Credible Traders, to Taste & prove the said LIQUOR so Seized and if They find the Same to be Adulterated or unmerchantable, They are to Certify it under their hands, and thereupon Such Liquor being so Certify'd, Shall be & hereby is Declared Forfeited, and the Commissary or Commanding officer is hereby further Required Immediately and in the Presence of the Traders and Indians which shall then be Present, To pour out on the ground or into the River or Lake all and Every Drop of Such Forfeited Liquor whether the Same be in Cags or any other Vessel.

AND to the End that no Unmerchantable Rum or other Distilled Liquors be Clandestinely or otherwise Sold to the Indians at Oswego. Be it Enacted by the Authority Aforesaid, That if any Indian or Indians Should during the Continuance of this Act, Complain to the commissary or in his absence to the commanding officer, That any of our Traders have sold or delivered to Such Indian or Indians any Rum or other Distilled Liquors That have been Adulterated or are unmerchantable, the said commissary or the Commanding Officer Shall be & hereby is

Impowered & Required Immediately to Taste, Prove & Examine the Rum or other distilled Liquors so complained of, as Likewise all other Rum or other distilled Liquors Sold to the Indians & Suspected to have been Adulterated & Finding the same to be Unmerchantable, The Said Commissary or Commanding officer is Immediately to Seize the same and to Proceed thereon in the Same manner as is above directed, and being certify'd by the Said Traders, That the Rum or other distilled Liquors so Sold or found is unmerchantable, the Same shall be Immediately poured out and DESTROYED in the manner as in & by the Said Clause is ordered & directed, and the Trader or Traders who have Sold or delivered Such Rum or other Distilled Liquors, Shall & hereby are obliged to Deliver unto the Indian or Indians, He or They Sold or Delivered Such adulterated or unmerchantable Liquor to, a Like quantity of Good & Merchantable Rum or other distilled Liquors in Lieu thereof unless the Said Commissary & Traders shall have good cause to suspect, That such Adulteration was Committed after such Liquor was Sold and delivered to the Indians.

AND to prevent the Eluding the foregoing Clauses, the General Assembly Pray it may be Enacted, and be it Enacted by the Authority Aforesaid, That the Said Commanding Officer Shall from time to time Permit the Said Commissary to Examine Taste & prove all the Rum & other distilled Liquors, that is or Shall be in the Trading House at Oswego, and upon Such Examination, all the Rum or other distilled Liquors, which Shall be found in the Same, not to be Really good & Merchantable, Shall Likewise be and hereby is declared Forfeited, and Such Liquor is to be Destroyed & Proceeded against in the Same manner; As in the Last Clause is Directed; and for the more Effectual preventing the Adulterating of Rum or Other distilled Liquors, Carried or Sold at Oswego, BE it Enacted by the Authority Aforesaid, that the Person or Persons in whose Possession Such Adulterated or Unmerchantable Rum, or other Distilled Liquors as Aforesaid, Shall be found, Shall Forfeit to HIS MAJESTY his heirs & Successors, not only the full sum of what Such quantity of Merchantable Rum or other Distilled Liquors, shall then be Sold for or Valued at Oswego, but Likewise to the further Sum of Thirty Pounds Current money of this Colony to be Recovered and Applied in manner Aforesaid.

AND whereas it has been represented to the General Assembly That Some of our People Trading to Oswego, have &



do Enter into Contracts with Foreigners, Subjects to the French King, to Assist Them in their Trade, and as a Practice of that kind, may of the one hand, prove of I'll consequence, as it will on the other hand deprive our own Traders of the Benefit They reap by the Said Trade. BE it Therefore Enacted by the Authority aforesaid, That from & after the Publication of this Act, and during the Continuance thereof, no Person or Persons whatsoever Shall be Allowed or Permitted to Trade at oswego from the County of Albany, or from any other part of this Colony, but Such as are of his Majesty's Liege Subjects; and if any of the Said Subjects Trading to oswego do Employ any Foreigner or Foreigners Subjects to the French King, during the Continuance of this Act, under the Colour of Brokers or Interpreters, or any other Pretence whatsoever, Every Trader so Employing Such Foreigner or Foreigners, Shall Forfeit to his Majesty his heirs & Successors, for Every one he so Employs the Sum of One Hundred Pound Current money of this Colony, To be Recovered by Bill Plaint or Information, in any Court of Record within this Colony, wherein no Essoyn Protection or Wager of LAW or any more than one Imparliance Shall be Allowed, one half of which Forfeiture Shall be for the Benefit of the Trading House at oswego, and the other half to the Person, that Shall Inform & Sue for the Same to Effect, and if Such Foreigner Shall during the time aforesaid Presume to carry any manner of goods, Wares or Merchandizes for Sale on his or Their own Account to oswego, from the County of Albany or any other part of this Colony, all the Said goods, Wares & Merchandizes which shall be so Carryed for Sale, Shall be Forfeited to his Majesty his heirs & Successors & be recovered and applyed in the manner above Mentioned, Provided allways that our own Traders being his Majesties Leige Subjects Shall be at Liberty to Employ their own Servants (Unless french Men) in and about carrying on their Trade to oswego, without Incurring the Penalty Aforesaid any thing herein contained to the Contrary thereof in any wise notwithstanding.

AND for as much as Several of the Persons going to Trade with the Indians at oswego, Employ Indian Interpreters whereby they have the Advantage to Engross a great part of the Trade there, which ought to be of Equal Benefit to the Traders in General, BE it Enacted by the Authority aforesaid, That if

During the Continuance of this Act any of the Said Traders Shall Employ any Indian Interpreter at Oswego, He or They so Employing an Indian Interpreter there, Shall Forfeit for Every Such offence the Sum of Twenty Pounds Current money of this Colony, to be recovered & applied in manner as aforesaid.

AND for the more orderly managing of the Said Trade at Oswego, Be it Enacted by the Authority Aforesaid, That all Persons GOING to Trade with the Indians at Oswego, Shall fix their Hutts in Such Place as the Commissary or in his absence the Commanding officer Shall order & direct, and They are hereby required, not to Fix them within one Hundred yards of the said Garrison; And if any of the Said Traders Shall Build or fix their Hutts in any other Place, Than is hereby Directed, Every Person presuming to do the same, Shall Forfeit the Sum of Ten pounds to his Majesty his Heirs & Successors, And when any Indians are Trading at Oswego, The Commanding officer for the time being do order one or more Centinel to prevent all & Every of our Traders from using any manner of Art or Compulsion, To Engage or forestall the Trade of the Said Indians, & if any of the Traders Shall notwithstanding, make use of any such Art or Compulsion Every Such Trader Shall Forfeit the Sum of Ten Pounds; And that if any of the Traders, Shall upon the Appearing of one or more Canoes with Indians on the Lake, go with his or their Canoe or other Vessel, and Shall Either Trade with Such Indians or take their Beaver or other Skins into possession, or hinder Such Indians from Carrying Such Beavers or Skins into their own Hutts, all and every of the said Traders, who shall use Such Anticipating or Compulsive means Shall Forfeit the Sum of Twenty Pounds Current money of this Colony, to be recovered & applied in manner as aforesaid.

AND be it Enacted by the Same Authority, That the Commissary or in his absence the Commanding Officer, Shall assign a Place for the Indians to fix their Hutts, and that He use all Proper means TO prevent the Indians from being ill used or in any manner of way compelled to Trade, or act contrary to their own Inclinations, and that They be at full Liberty to Trade for what and with whom they Please.

AND WHEREAS at the Season of the year for breaking up the Indian Trade at Oswego, most of the Hutts or Houses built at the Expence & Labour of the Traders, which have been Left Standing at their Departure from thence & which are necessary



for carrying on the Said Trade, have before the Trading Season of the year following been almost pulled down & Destroyed, by the Rudeness & misbehaviour of Some of the Common Soldiers Posted there, Therefore to prevent Such Irregularities for the future The General Assembly Pray That his Honour the Lieutenant Governor or Commander in Chief for the time being would be pleased to order & direct the officer Posted there, to Forbid & prevent all & Every Such Common Soldier & Soldiers under his Command from Committing Such Outrages & Offences, under Such Penalty or Punishment as his Said Honour shall judge Reasonable to Inflict on Such Offenders.

AND be it Enacted by the Authority Aforesaid, That if any other Person or Persons, Shall burn or Destroy any of the Said Trading Houses He or They Shall Respectively, for every Such offence, Forfeit the Sum of Sixteen Pounds Current money of this Colony, To be recovered in manner aforesaid, by any Person that shall Sue for the Same, before any Justice of the Peace within the County of Albany, one half of the SAID Forfeiture to belong to the Person that Shall Sue for the same and the other half for and Towards Supporting the Trading House at Oswego.

AND be it further Enacted by the Authority Aforesaid That Hide Clarke Esq'r, Shall be, and hereby is appointed Commissary at Oswego for the Ensuing year, during the time of the Trade there, and that the Commissioners of ye Indian affairs at Albany Shall be and hereby are Impowered to Nominate & Recommend to the Lieutenant Governour or Commander in Chief for the time being, a fit and Proper Person to be the Commissary there in the year one Thousand Seven Hundred & Forty four, which Person shall be Appointed Accordingly, If the Said Governour or Commander in Chief Shall think Proper.

AND whereas it has been found by Experience that when a Commissary at Oswego, hath been Appointed a Justice of the Peace, it has contributed very much to the well Regulating the Trade there, the General Assembly Therefore Pray that the Commissary for the time being may by a Distinct Commission be appointed a Justice of the Peace at Oswego, And the District Properly belonging to it during the Trading Season there, and that He may have the Sole Inspection, Ordering & Regulating the Indian Trade and Traders there, according to the Several Directions in this Act.

BE It therefore Enacted by the Authority Aforesaid, That when the Said Commissary, Shall be so appointed a Justice of the Peace, He shall during all the time He is or Resides at Oswego, have the Sole Inspection Ordering and REGULATING the Indian Trade, & Traders who shall be or come to that Place, and the District properly belonging to it, according to the Several Powers & Directions of this Act, and when any dispute shall happen to arise there between our Traders and the Indians Trading with Them, he Likewise Shall have full Power & Authority to hear and Determine the Same, and his Judgment or Judgments to be given thereupon Shall be Final (Unless otherwise Provided by this Act) And Such Trader or Traders as Shall not be Concluded thereby & comply therewith, Shall Forfeit unto his Majesty his Heirs & Successors, The Sum of Ten Pounds Currant money of this Colony, To be recovered in any Court of Record within this Colony by Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law, or more than one Imparllance Shall be Allowed, one half to the Person that Shall Sue for and Prosecute the Same to Effect, & the other half for Supporting the Said Trading House at Oswego, and a Certificate of the Fact, under the hands & Seal of the Said Justice of the Peace, Shall in this Case be Allowed good & Sufficient Proof, and it Shall & may be also Lawfull for the Said Justice to hear and Determine Differencies between Trader & Traders, and if the Sum in Controversy do not Exceed Forty Shillings his Judgment thereupon Shall be Final & Conclusive to the Parties; But if the matter in Difference Exceed that Sum, an Appeal Shall Lye, & be Allowed of according to Law.

AND be it Enacted by the Authority Aforesaid, That neither the Commanding officer, or any other officer, Drummer or Private Soldier, Posted or to be Posted at Oswego, or the Commissary, or Doctor Residing there, under Pay or Sallary, Shall Trade Directly or INDIRECTLY with the Indians at that Place, Either on his or their Account or for the use of any other Person or Persons whatsoever, and if Such Commanding officer, Commissary or Doctor, or any of Them, Shall nevertheless Presume to Trade with the Indians there, he or They so offending, Shall respectively Forfeit the sum of Fifty Pounds to his Majesty, his heirs & Successors; and if any under officer, Drummer or Private Soldier, Shall presume so to Trade, all the goods wherewith He or They so Trade, or have so Traded for, Shall be Immediately Seized by the Said Commissary, or Commanding



officer, or any of the Traders, and be Forfeited to his Majesty his heirs & Successors, to be Recovered and Applied as herein after is Directed, and if the Said Commissary or in his absence the Commanding Officer, Shall Presume to compromise any of the offences against this Act, whereby the Facts might be Stified, He shall be Liable to Forfeit the Same Fine or Penalty, to which the Party is or was Subject to, for the offence so Compromized or made up with him, and Such making up, Shall in no wise Exempt the offender from the Fine or Penalty Incurred by him.

AND be it further Enacted by the Authority Aforesaid, That all and every the Fines, Penalties & Forfeitures above Mentioned and not otherwise provided for by this Act, Shall & may be Recovered by the Said Commissary, or any other Person or Persons, in any Court of Record within this Colony, by Bill, Plaint or Information, wherein no Essoyn, Protection, or Wager of Law, or more than one Imparlanee Shall be allowed, one half whereof, to and for the use of the Person that Shall Sue for & Prosecute the Same to Effect, and the other half to, and for the USE & Support of the Trading House at Oswego.

AND be it further Enacted by the Authority aforesaid, That if the Said Commissary so appointed & Intended to be appointed to Reside at Oswego, or any of the before named Commissioners, or any other Person or Persons, Shall be Sued, for what He or They Shall do, in the Execution of this Act, He or they may plead the General Issue, and give the Special matter in Evidence for his & their Excuse & Justification, and if the Plaintiff or Plaintiffs, Shall be non suited discontinue or withdraw his or their Action, or Actions, or if a Verdict Pass against him or Them, the Defendant or Defendants, Shall recover & be Allowed by the Court, where Such Action or Actions, Shall be brought or Tryed, his or their Treble Costs, which he or they Shall have Sustained, by reason of his or their wrongfull Vexation, in Defence of Such Action or Actions for which the Defendant or Defendants, Shall have Like Remedy, as in other Cases where Costs are given or Allowed to Defendants.

AND whereas the Six Nations of Indians have often as well in their Publick Treaties as otherwise desired that no Rum might be Carried to their Country, by reason it makes their young Men unruly, and prevents their going to Hunt for Beaver, and it being apprehended that the Carrying Strong Liquors among Them for Sale may one time or other, be attended with very pernicious

Consequences. Be it Enacted by the Authority aforesaid, That if any of the herein before Mentioned Traders, or any other Person or Persons whatsoever, Shall Sell to the Six Nations of Indians, in their respective Countries, any Rum or other DISTILLED Liquors, They Shall for Every Such offence, Forfeit the Sum of Twenty Pounds to his Majesty his heirs & Successors, To be recovered upon the oath of any one Credible witness & applied in the manner herein Mentioned

AND WHEREAS the General Assembly being very desirous to Support the Said Trading House at Oswego; and to Victual the Troops Posted or to be Posted There in a good & certain manner, have made a Contract or agreement, with Johan Joost Herkemer, Henry Renselaer, John Hermanus Wendell & Garrit Abraham Lansing in manner following to wit, That the Said Johan Joost Herkemer, Henry Renselaer, John Harmanus Wendell, & Garrit Abraham Lansing For and in Consideration of the annual sum of Four Hundred & Fifty Six Pounds Current Money of this Colony, have undertaken for the Term of Two years to Commence from the first day of November, next, To deliver timely & at Proper Seasons at the Said Trading House at Oswego, unto the Commanding officer Posted there, for the time being in Each of the Aforesaid years, at the sole cost & charge of the Said Johan Joost Herkemer, Henry Renselaer, John Hermanus Wendell and Garrit Abraham Lansing, The following quantities of good Sound and wholesome Provisions, which are Esteemed Sufficient to Victual the usual Number of Troops Posted or to be Posted there for the Term of Fifty two weeks, That is to Say.

wheat meal one Hundred & Fifty Six bushells

Pease one Hundred & Seventeen Bushells

Indian Corn Thirty nine Bushells

Pork Three Thousand two Hundred & Twenty four pounds

Beef Four Thousand Eight Hundred & Thirty Six pounds

RUM One Hundred and Four Gallons

Sugar One Hundred and Four Pounds and

Candles of Eight & Ten in a pound one Hundred & four pounds.

AND the Said Commanding officer is upon his receiving the aforesaid Provisions, in Each of the Said Two years, To give a Certificate of the Receipt thereof, wherein is to be mentioned the Particular Quantities and Species, and the time when the Same are so Received, which Certificates are to be Vouchers to the said



Victuallers, of their having Performed Such part of their Contract.

AND for the Annual Relief of the before Mentioned Troops, to consist of Twenty Five Men, and a Doctor; They the Said Victuallers are to Furnish at the Town of Schenagtade, at Such Proper time and Season as the Governour or Commander in Chief for the time being, shall think fit to order & direct in each of the Said Two years, at their own Proper Costs & Charges, the following Species & Quantities of good sound and wholesome Provisions. That is to say.

Brown Bisquet one Thousand & Fifty Pounds

Peas Thirteen Bushells & a half

Pork one Thousand Seven Hundred & Fifty Pounds

And Rum Twelve Gallons.

OUT of which the Troops going up to relieve the others at oswego, are to be subsisted at Schenagtade, the Remainder to be carryed with Them to oswego, and out of it to be taken so much as will Subsist the Relieved Troops to Schenagtade, and the Remainder (if any) be left at oswego of all which a Certificate is to be given by the Commanding officer in manner as aforesaid.

THAT in case the Said Victuallers deliver any kind of Fresh meat at oswego, They are to be at the sole Cost & Charge to furnish cask to put it in, and Salt to preserve the Same, and to cause the Same to be well preserved, so that it may hold good & Sound a whole year; and all other Provisions to be delivered by Them or any of Them to be good in their kind, and keep good & Sound during the Said space of time.

THAT They shall also provide at their own Proper cost & Charge Cags to put the Rum in, and bags to Transport the Meal, Pease, Corn, Sugar, and Bread to oswego, during the Said two years.

THAT they shall Likewise, annually during the Said two years Furnish at their own charge, a Sufficient number of Battoes not only to Transport the Said Twenty Five Men & Doctor, Together with their Baggage, but Likewise provide two able Men to assist in going to & coming from oswego.

THAT they shall also annually during the Said two years Provide at their own proper cost & charge. Waggon to carry the Baggage of the officer, Soldiers & Doctor, from Albany to Schenagtade, and in like manner from Schenagtade to Albany, when They are relieved as aforesaid, and also to find Sleds or

other Carriages to Transport the Said Battoes & Baggage, over the Carrying Places forward & Backward, always Provided, That the Soldiers march on foot, between Albany and Schenagtade, and over the Carrying Places.

THAT all other Costs & Charges which Shall arise or may be required to Transport the aforesaid Provisions, Men & Baggage either by Land or Water from Albany & Schenagtade to Oswego, and back as aforesaid Shall be Altogether borne by the Said Victuallers and paid by Them, and that in case Either a WAR Should break out between the Crowns of Great Britain & France or that the Troops should be withdrawn from Oswego, before the expiration of the Said two years, Then this contract from thence forward Shall cease & Determine, whenever Either of the Said Cases Shall happen.

AND the Said Victuallers are obliged Either to give Bond with Sufficient Sureties, or Enter into Recognizances with the Like Sureties for the Due Performance of all the Particulars undertaken to be Performed on their Parts.

AND for as much as it is conceived that the Said Contract will fully answer the Ends proposed by it, BE it Enacted by the Authority Aforesaid, that the Same & every part thereof Shall be & hereby is Ratify'd & confirmed to all Intents & Purposes whatsoever, and the Said Victuallers are hereby Required to Enter into Such Recognizances as is before Mentioned, before the Commissioners aforesaid (who are hereby authorized to take the same) within Forty Days after the Publication of this Act.

AND in as much as Beef & Pork by being Salted Looses considerably in weight, BE it Enacted by the Authority Aforesaid, That of Beef & Pork to be Issued weekly to the Troops at Oswego there shall be no more allowed than Fifteen ounces for every Pound.

AND be it further Enacted by the Authority aforesaid, That out of the money to arise by virtue of this Act, The sum of Five Hundred and Eighty one Pounds, Shall be Annually paid and applied for the Term of Two years from the first Day of November next to the first Day of November which will be in the year of our Lord one Thousand Seven Hundred & Forty Four, for the uses and PURPOSES aforesaid in manner hereafter mentioned (That is to Say) To Johan Joost Herkemer, Henry Ranselaer, John Hermanus Wendell & Garrit Abraham Lansing on the Performance of the Aforesaid Contract, The



Annual Sum of four Hundred & Fifty Six pounds which said Sum is to be paid half yearly to the Said Contractors during the Continuance of this Act.

For Incidents to be paid by the Commissioners of the oswego yearly a Sum not Exceeding the Sum of Forty Five Pounds.

TO the Doctor, for Medicines for each year not Exceeding the Sum of Ten pounds.

For Incidents to be paid by the Commissioners of the oswego Duty & to be Accounted for by Them, a Sum not Exceeding the Sum of Twenty Pounds.

TO a Commissary for Inspecting & Regulating the Traders at oswego during the Trading Season there, not Less than four months between the Months of April & August The Sum of Fifty Pounds, which Several Articles do amount in all to the Said Sum of Five Hundred & Eighty one Pounds.

AND be it Enacted by the Authority Aforesaid, That the Treasurer of this Colony, Shall out of ye Moneys to arise by this Act Pay & discharge all Such Warrants, as shall be Issued in Council by virtue thereof, To such Person or Persons, as the Same Shall be made Payable to by this Act, and Proper Receipts being Endorsed thereon by Such Person or Persons, Shall be good & Sufficient Discharges in the Law to the Said Treasurer for so much as Shall be Mentioned & Expressed therein, Provided the Same do not Exceed the Respective SUMS herein before Mentioned.

AND be it further Enacted by the Authority Aforesaid, That of all the Several & Respective Sums of money which the Said Treasurer Shall receive & Pay by virtue of this Act, He shall keep Exact & Distinct books & Render True Accounts thereof upon oath, to the Governour for the time being, to the Council, or to the General Assembly, when by Them or any of Them Thereunto Required.

AND be it Enacted by the Authority Aforesaid, That if on the first day of November in this present year one Thousand Seven Hundred & Forty two, There shall remain any overplus of the money raised by the Duties Imposed by any former Acts of the General Assembly on the Trade of oswego, The same Shall be Employed for & Towards the Payment of the Charges in this Act before Mentioned, and if it appears that there is any Deficiency, or that the Sums Imposed by the Said Former Acts of the General Assembly have not been Sufficient

Defray the Charges in the Said Acts Mentioned, The same

re to be Supplied out of the moneys as Shall arise by this Act, any Law usage, or custome to the contrary thereof in any ways notwithstanding.

AND be it further Enacted by the Same Authority, that all Recognizances Entered into, as Likewise, all Bills, & Bonds, Entered into for Duties of Rum or Strouds by Former Acts, which may remain unpaid, are hereby Declared to be in full Force & virtue, to all Intents Constructions & Purposes whatever, notwithstanding the Expiration of the Acts, whereby the Said Duties have been Imposed, and all Such Recognizances, Bills & Bonds, and Likewise those to be taken by Virtue of this Act, as Shall not be Duely Discharged the SAID Commissioners are hereby Required Authorized & Impowered Either to put the Same in Suit, or to Send Them to the Attorney General for that Purpose.

AND be it Enacted by the Authority Aforesaid, that if the Dutys hereby Appropriated for the use herein before Mentioned, Shall at the Determination of this Act, Exceed the cost & charge of the Supporting the Troops & House at oswego, and the Contingencies attending the Same during that Time, all such overplus, Shall be Employed for & Towards repaying the money Formerly borrowed from the Excise for that use, as by Act or Acts of the General Assembly, hereafter to be Passed for that Purpose, Shall be ordered & Directed, anything herein to the contrary thereof notwithstanding.

WHEREAS it is represented That the Schagkook Indians have in their publick Speeches, Desired that no Rum might be sold to Them at or near their Castle, and that the Farmers living There abouts are not Less desirous of it, because They often Sustain considerable Damage from the Said Indians, when they are Intoxicated with Strong Liquor

BE it therefore Enacted by the Authority aforesaid That every Person & Persons who shall presume to Sell or dispose of any Rum or other Distilled Liquors during the Continuance of this Act to any Indian or Indians within four Miles distance, round the Church at Schagkock, Shall for every Such offence Forfeit to his Majesty his heirs & Successors The Sum of Twenty Pounds Current money of this Colony, To be recovered in any Court of Record within the Same one half whereof to the Person or Persons who Shall Sue for & Prosecute THE Same to Effect, and the other half To be paid to the Treasurer of this Colony to and for the support of the Trading House at oswego.



AND be it Enacted by the Same Authority That this Act Shall be and Remain of Force From the first Day of November in this Present year one Thousand Seven Hundred & Forty Two, Until the first Day of November which will be in the Year one Thousand Seven Hundred & Forty Four.

[CHAPTER 735]

[Chapter 735 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 629, 757. Expired December 31, 1750. Repealed and provided for by chapter 885.]

An Act for the better Clearing Regulating & further Laying out Publick High Roads in the City & County of Albany.

[Passed, October 29, 1742.]

ALTHOUGH all or most of the Publick Highways are already Laid out & Ascertained in the City & County of Albany, It may nevertheless be necessary to Lay out Some other High Roads in the Said City & County for the conveniency of Carriages and Travellers.

BE it therefore Enacted by his Honour the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That all Acts relating to the Clearing & further or better Laying out of High Ways so far as They relate to the City & County of Albany, Shall be & hereby are Repealed & made Null & Void, To all Intents Constructions and Purposes whatsoever; And that from & after the Publication & during the Continuance of this Act, The persons hereinafter named, Shall be & hereby are appointed Commissioners to Regulate High Ways, and to Lay out Such other Publick Roads as may be Still necessary within the Said City & County and They & each of Them are hereby fully authorized & Impowered to put in Execution the Several Services Intended by this Act, in Such Towns, Mannors & Places only for which They shall be respectively named and Appointed, That is to Say.

FOR the Mannor of Livingston from the Southermost Bounds thereof unto the Bounds of Claverack in the Said County, Phillip Livingston Esq'r Loendirt Conyn & Jochim Redclift

FOR Claverack from the Southermost bounds thereof to the Bounds of Kinderhook, Capt. John van Renselaer, Casper Conyn and Henry van Renselaer

**FOR** Kinderhook in the Said County from the Southermost bounds thereof, through the woods to green Bush, Including all the Inhabitants along the Road, alth'o They belong to the Mannor of Renselaerwyck, Barent Van Buren, Isaac Van Alstyn and Johannis Van Deusen.

**FOR** the East Side of the Mannor of RenselaersWyck, to & from the Southermost Inhabitants or Schotack to Green Bush Aforesaid along the River Side, Jacobus Van Renselaer, Henrick Beekman & Jacob Schermerhorn.

**FOR** Schagkock to the House of Cornelius Van Nes at the half moon, Johannis Dewandelaer, Peter Bencway and Harme Knickerbacker.

**FOR** Saragtoge on the West Side of the River to the House of Jacob Fort Dirck Ten Broeck Esq'r. Phillip L. Schuyler & John Livingston.

**FOR** the half Moon & the north part of the mannor of RenselaerWyck to the City of Albany, Tennis Lewesse, Phillip Schuyler & Edward Collins Esq'r

**FROM** Sawyers Creek being the Southermost Bounds of the County of Albany on the West Side of Hudsons River, to the Southermost bounds of the Mannor of RenselaerWyck, Jacob Tenbroeck Casparis Bronck & Petrus Van Berregan,

**FROM** the Southermost bounds of the Mannor of RenselaerWyck on the West Side of Hudsons River to the bounds of the City of Albany, David Verplanck Renselaer Niccol and Daniel Winne.

**FOR** the Road which Leads from the City of Albany to Schanegtade unto the first Sandy Hill being about two miles from the Said City, the Mayor Recorder & Aldermen of the Said City for the time being.

**FOR** the Township of Schanegtade as farr as the Said Township Extends and the Roads which Lead to Albany, to the Said first Sandy hill, Arent Bradt, Jacob Glen, Jan Barentse Wimp, Ryer Wemp & Nicolas Schuyler.

**FROM** Cannistigejone to the Dwelling House of Jeremiah Van Renselaer Esq'r Claas Van Vranke, Niccolas Visger and Eldert Timese.

**From** Niskucktha to the North side of Normans Kill, Johannis Slyngerlandt, Gerrit Van Allen and Harme Vander Zee.

**FROM** Schoharie to the Schanogtade Road, Peter Vrooman, Johannus Sawyer and Peter Osicle Jun'r.

**FROM** Towerjone being the Westermost bounds of the Township of Schanagtade So along both Sides of the River to Kagh-



newage Creek, John Wemp BARENT Vrooman Jun'r Wouter Swart.

FROM the Said Koghnewage Creek for both Side of the River as far as the Christian Settlements now are or hereafter Shall be Settled, Johan Joost Petri, Johan Junck Kast Jun'r Aukus Van Slyck Cornelius Van Alstyn and Hendrick Fry.

FROM a Place called Stone Rabie to a Creek called Canidaes Kill, Johan Joost Sucle and William Brower.

FROM Hosick to the House of Jacob van Der Hyde, Stephen Van Renselaer, John Van ness and Peter Landtman.

WHICH said Commissioners in each District or the Major part of Them shall have full Power & authority to apportion Lay out & fix how far each Precinct or neighborhood Shall repair & mend the Said High Ways where They are to begin & where to Leave of

AND be it Enacted by the authority aforesaid, that the commissioners or the Major part of Them, in the respective Places for which They are named & appointed Commissioners, are hereby Impowered & authorized to Regulate the Roads already Laid out, and Lay out Such other Publick Roads in the Several Places for which they are appointed Commissioners, as to them or the Major part of Them Shall Seem Necessary & convenient & if need be to take a Review of the Roads already Laid out, & Such of Them as appear to be really Inconvenient, The Said Commissioners, Shall & may alter the Same, PROVIDED all the Commissioners appointed for the Place judge it absolutely necessary, and to Lay out Such other Publick Ways and Roads as They or the Major part of them Shall think most Convenient as well for Travellers as for the Inhabitant of the next Adjacent Towns Villages, or Neighbourhoods, PROVIDED also that nothing in this Act contained Shall Extend or be Construed to Impower the Commissioners aforesaid to alter any Road that is already Commodious, or to Lay the Same THROUGH Enclosed or Improved Lands without either the consent of the owners thereof or Paying to them the true Value of the Lands so laid into an high Way, and if any Dispute shall arise by that means, The same Shall be Determined, and the true Value set and appraised by two Justices of the Peace & by the oaths of Twelve of the Principle Freeholders of the Neighbourhood, not having any Interest in the Lands, about which Such a dispute may arise, the Said Freeholders to be Summoned by any one of the Constables of each respective Town mannor or Precinct by

of so much Timber which is Standing or Lying on that Road as will amend the Said High Way or Bridges coming through that Land.

AND be it also Enacted by the Same Authority that where any high way from any Town or neighbourhood to any Mills Meadows Watering or common Landing Places Shall Run through any Particular Persons ground, it Shall & may be Lawfull for any Such Person or Persons by & with the approbation of any two Commissioners for Such Town Mannor or Places to hang good SWINGING Gates on Such High Ways & keep them in Repair at their own Costs Provided no Road Leading unto or out of any woods Plains or Commons where the Cattle belonging to any Town or Village usually Pass through to or from the Common or feeding Grounds, be cloged or hindered by any Swinging Gates as aforesaid unless by the consent of the Major part of the Inhabitants of such Town or Village and the Several Gates already Standing & allowed may or Shall be approved & continued or altered as the Commissioners herein respectively appointed Shall Judge most Convenient, and the Same high Way shall be Amended & maintained by the Inhabitants only of Every Town, Mannor or Precinct where Such ways may Run.

AND be it further Enacted by the Same Authority That in case any Person or Persons, Shall Stake or Shore open, any such Gate or Gates as aforesaid, or otherwise Ride over or through any Lands Meadow Grounds or Corn fields to the Damage of the owners thereof, Such Person or Persons Shall for Every Such offence, Forfeit the Sum of Six Shillings to be Recovered & applied by the Surveyors of the High ways in each respective City Town Mannor or Precinct where Such offence Shall be committed towards repairing the Publick high ways or Roads & Pay all Such Damages with the costs the owner of the Soyl or Tenant Shall suffer or Sustain thereby as shall be ordered & awarded by a Justice of the Peace residing nearest to the Place where such offence Shall be Committed, and the Determination of Such Justice Shall be Final & Conclusive therein

AND be it further Enacted by the Authority Aforesaid that if the overseers of the highways & Roads Shall think fitt & have occasion of any Team Cart or Waggon & a man to Manage the Same the said Team Cart or Waggon Shall be Esteemed to be in Lieu & Instead of two Days work of one



of the time for Sale of Said Distress, Shall make Sale thereof, & out of the Produce Pay the Said Forfeiture & Charges & return the overplus (if any there be) to the owner or owners, which Said Forfeiture of Five pounds Shall be Applied by the Surveyors of the high Ways for & Towards repairing the Publick Roads or Bridges within the Precints where Such Forfeitures Shall arise.

AND be it further Enacted by the Authority Aforesaid, That if any common Publick Road or High Way shall be Layd Through any Meadow ground or Corn fields the breadth of the S'd Road Shall be Left to the Discretion of the Commissioners or the Major part of Them, for the Towns, Mannors or Places where Such Road Shall Run as aforesaid, Provided Such Roads do not Exceed Twenty foot.

AND be it further Enacted by the Said Authority that the Inhabitants of the respective Towns, Mannors or Precincts by & Through which any common Publick high ways or Roads have or Shall Run, or be hereafter Ascertained or Laid out, Shall be and hereby are obliged to clear and MAINTAIN the same by cutting & Stubbing up the Brush & Lopping off the Limbs of the Trees that hang over the Said Roads, the Breadth of two Rods & pulling up the Stones that can be moved & to carry them out of the Road at Least the breadth of one Rod and so often as They or any of Them, Shall have notice from any one of the respective Commissioners Surveyors or overseers of the High Ways for the time being, They shall in their Turns Either by Themselves or by able Slaves or Servants Clean Level & amend the High Ways not Exceeding Six Days in the year, under the Penalty of Three Shillings for Each Day Every Person or Persons shall neglect or Refuse such Service, to be Levied by the Constable in each Town, mannor or Precinct by Distress & Sale of the offenders goods & Chattels, by Warrant from the Surveyor or Overseer of the high Ways or the Major part of Them for the time being in Each respective Town Mannor or Precinct where Such offence Shall be Committed, Returning the overplus of Such Sale (if any be) To the owner or owners, the Constable being first paid for his pains & Trouble out of the Distress & Sale as is usual in other Cases, Provided always & it is hereby further Enacted by the Authority Aforesaid, That all Trees Standing or Lying in any persons Land through which any common Publick High way or Road is or shall be Laid out, be for the Proper use of the owner or owners of the Same, But the Said owners Shall not hinder the Publick from making use

of so much Timber which is Standing or Lying on that Road as will amend the Said High Way or Bridges coming through that Land.

AND be it also Enacted by the Same Authority that where any high way from any Town or neighbourhood to any Mills Meadows Watering or common Landing Places Shall Run through any Particular Persons ground, it Shall & may be Lawfull for any Such Person or Persons by & with the approbation of any two Commissioners for Such Town Mannor or Places to hang good SWINGING Gates on Such High Ways & keep them in Repair at their own Costs Provided no Road Leading unto or out of any woods Plains or Commons where the Cattle belonging to any Town or Village usually Pass through to or from the Common or feeding Grounds, be cloged or hindered by any Swinging Gates as aforesaid unless by the consent of the Major part of the Inhabitants of such Town or Village and the Several Gates already Standing & allowed may or Shall be approved & continued or altered as the Commissioners herein respectively appointed Shall Judge most Convenient, and the Same high Way shall be Amended & maintained by the Inhabitants only of Every Town, Mannor or Precinct where Such ways may Run.

AND be it further Enacted by the Same Authority That in case any Person or Persons, Shall Stake or Shore open, any such Gate or Gates as aforesaid, or otherwise Ride over or through any Lands Meadow Grounds or Corn fields to the Damage of the owners thereof, Such Person or Persons Shall for Every Such offence, Forfeit the Sum of Six Shillings to be Recovered & applied by the Surveyors of the High ways in each respective City Town Mannor or Precinct where Such offence Shall be committed towards repairing the Publick high ways or Roads & Pay all Such Damages with the costs the owner of the Soyl or Tenant Shall suffer or Sustain thereby as shall be ordered & awarded by a Justice of the Peace residing nearest to the Place where such offence Shall be Committed, and the Determination of Such Justice Shall be Final & Conclusive therein

AND be it further Enacted by the Authority Aforesaid that if the overseers of the highways & Roads Shall think fitt & have occasion of any Team Cart or Waggon & a man to Manage the Same the said Team Cart or Waggon Shall be Esteemed to be in Lieu & Instead of two Days work of one



Mar and the Fine to be Proportionable that is Double to the Fine to be Imposed FOR the Neglect of one Person & Every Working Man Shall be obliged to bring Such Tools as Spades, Axes Crows, Pick Axes or other Utensils as Shall be Directed by the overseers of the High Ways.

AND be it further Enacted by the Said Authority That if any of the Commissioners herein Appointed Shall neglect refuse or Delay to put the Several Clauses in Execution which are Mentioned & Expressed as their Duty in this Act if thereunto Required or Shall happen to Dye or remove out of ye Town, Mannor or Places for which He or They are Appointed Commissioners it Shall & may be Lawfull for the Justices of the Peace in the Sessions held for the Said County, To appoint in his or their Stead another Commissioner or Commissioners in Such Place or Places where Such Refusal Neglect, Death or Removall Shall so happen & the Commissioner or Commissioners so appointed Shall be under the Same Restriction & have the Same Power & authority as those named & appointed by this Act.

AND be it further Enacted by the Authority aforesaid that the Commissioners of Each respective Town, Mannor Place or Places for which They are respectively Appointed, Shall from time to time During the continuance of this Act, Enter in writing all the High ways or Roads by them Laid out, Altered or Stop'd up & Sign the Same by Putting their names thereto, & cause the Same to be Entered in the County Records by the Clarke of the Peace, who is hereby Directed & Required to Record the Same, and whatsoever the Said Commissioners Shall do according to the Powers given Them in this Act, being so Entered in the County Records, Shall be Deemed Valid & good to all Intents and Purposes whatsoever.

AND be it further Enacted by the Same Authority, that each Commissioner Appointed or to be appointed by virtue of this Act, Shall have take and Receive a Sum not exceeding Three Shillings Each Day as a Reward for his or their Care & Trouble in Laying out & Regulating the High Ways in the respective Towns, Mannors & Places for which they Severally are Appointed, which said Reward or Wages Shall be Defrayed by Such Person or Persons as Shall require the Service of Such Commissioners

AND it is hereby provided That if the Inhabitants of Oyatack who Live to the Eastward of the mannor of Livingston Shall

se the Road that goes from the Eastermost Bounds of the Said Mannor to the General Landing Place to Hudsons River, That they be obliged to help to Maintain & keep the Said Road in Repair, as the Inhabitants of Tagkanick are obliged to do.

AND be it further Enacted by the Authority aforesaid that upon the ordering of any one or more of the Justices of the Peace or any one or more of the Commissioners within the Town Mannor or Precinct for which he or They are Appointed as aforesaid the surveyors of the Town Mannor or Precinct, Shall & do within Eight days thereafter warn & Set at work the respective Inhabitants, to Mend & Repair the Kings Roads & Bridges which by Law & Custome They are obliged to Repair & if the Surveyor or Surveyors Shall neglect or Refuse to warn & Sett at work the Inhabitants as aforesaid & see the Said Bridges & High Ways Amended & Repaired, Such Surveyor or Surveyors Shall for Every Such neglect or Refusal Forfeit & Pay a Fine of Forty Shillings, to be Adjudged by & Recovered before any one Justice of the Peace of the Said County upon the oath of any one Witness, or on the View of Such Justice, or on the View of any one of the COMMISSIONERS within his or their District in the common & usual Method which Fine Shall be Applied Towards Repairing the Said Highways or Roads in Such Town Mannor or Precinct wherein the Fine did arise.

PROVIDED always & it is hereby Enacted by the Authority aforesaid That where the Inhabitants of a Small Neighbourhood of Plantations Should Desire to have Publick Roads Laid out, the Commissioners Aforesaid Shall not be Allowed to Lay out such & so many Roads as the said Inhabitants Should be desirous to have but only one Publick way Leading from Such Neighbourhood to the nearest Public or high Road from whence They can Travel or Transport goods to other Towns or Landing Places & where it Shall be Necessary to Lay out a Road from one District as they are in this Act Joyned to another District, the Commissioners of both Towns Mannor or Places are to Meet and Consult where Such Road can be Laid in the best & straightest manner and to Lay out the Same accordingly, to the End Such Roads may not only Correspond with Each other but be Laid & Carryed on in the most Convenient & Shortest manner the nature of the Land will allow.

AND Whereas the Inhabitants of the Township of Schonegetade have by Long Experience found it very Prejudicial to make use of but one Road to the City of Albany, both with waggons



& Sleds, which causes the said Road to be often out of Repair, and makes the Rutts thereof very Deep so that it's Difficult to make use of it in Winter with a Slead, To Prevent which, BE it Enacted by the Authority aforesaid, That it shall & may be Lawfull for the commissioners appointed for the Said Township, or the Major part of Them, and they are HEREBY Required & Directed to Lay out another Road from the Said Township, To the Said City of Albany, on or before the first Day of June next, which Said Road so Laid out, Shall be made Cleared, mended & kept in Repair in the Same manner as other high ways and Roads are kept, which Road Shall not be made use of with any wheel Carriage, and to the end the good hereby Intended may not be Frustrated, BE it further Enacted by the Same Authority, That if any Person or Persons Shall presume to use the Said Sled Road with a Waggon, or any other Wheel carriage, He she or they so offending Shall Forfeit the sum of Twenty Shillings for Every Such offence, to be Recovered before any one Justice of Peace in the said County upon the oath of one Credible witness, which Forfeitures Shall be applyed one half to the Repairing the said Road, and the other half for the use of the Informer.

THIS ACT to be in force from the time of its Publication until the Last Day of December in the year of our Lord one Thousand Seven Hundred & Fifty,

#### [CHAPTER 736.]

[Chapter 736 of Livingston & Smith, where the act is printed in full. Chapter 736 of Van Schaack, where the title only is printed. The reward was modified by chapter 755, but that act expired October 1, 1745, at which time this act was to be void, so far as related to Orange county; but this act is continued by chapter 875.]

An Act to Encourage the Destroying of  
Wolves and Panthers in the Counties of Ulster  
Dutches & orange.

[Passed, October 29, 1742.]

WHEREAS the Former reward Allowed for Destroying of Wolves and Panthers in the Counties of Ulster Dutchess & orange, hath by Experience not been found Sufficient to answer the good Ends & Purposes thereby Intended.

Be it therefore Enacted by his Honour the Lieutenant Governor the Council & the General Assembly and it is hereby

Enacted by the Authority of the Same, That from & after the Publication of this Act and during the Continuance thereof, Every Person being an Inhabitant of Each of the Aforesaid Counties who Shall Actually take kill or Destroy any Wolfe or Wolves, Whelp or Whelps, Panther or Panthers within the Counties Aforesaid Shall be Intituled to & receive the Reward following that is to Say, For every grown wolfe or Panther the Sum of Twenty Shillings and for every Whelp or Whelps the sum of Ten Shillings to be paid by the County Treasurers respectively as Shall be Directed by this Act, and that Frauds may not be committed & the Freeholders & Inhabitants of the Aforesaid Counties may not be Imposed upon by Persons Living out of the Said Counties

BE it therefore Enacted by the Authority aforesaid, That before any Inhabitant of said Counties, Shall be Intituled to any of the Rewards allowed by this Act, He shall carry the Head or Heads of Such Wolfe or Wolves Whelp or Whelps Panther or Panthers with the Intire Skin thereon to any Justice of the Peace or any of the Supervizors Dwelling in the Said Counties, and the Said Justice or Supervizors of the Respective COUNTIES Shall be & are hereby Impowered Directed & Required to administer to every Such Inhabitant an oath (and if a Quaker) an Affirmation in the words following, You A. B. do swear or affirm, That the wolfe [or Panther] the Head whereof, you now produce to me was actually taken and Killed within the County of                      And that you are an Inhabitant of the Said County of                      And the Said Justice or Supervizor Shall in administering the Said Oath or Affirmation in the blank Left, Add the name of the County wherein Such Inhabitant is Sworn or affirmed, after the taking of Such Oath or affirmation the Said Justice or Supervizor Shall & hereby is Impowered & Required to give a Certificate thereof to Such Person or Persons as have so Sworn or affirmed as aforesaid and Such Justice or Supervizor dwelling & Residing in the Counties of Dutchess & Orange for administring Such oath & giving a Certificate from under his hand Shall have for his reward the Sum of one Shilling & Six pence to be pay'd by such Person or Persons requiring the Same. And the Said Justice or Supervizor in giving Such Certificate shall therein Mention the name or names of Such Person or Persons as have so Sworn or affirmed, that They had Actually taken & killed Such Wolfe or Wolves Whelp or Whelps Panther



or Panthers within the County Aforesaid and to Distinguish whether the Same were a full grown Wolfe Whelp or Panther and the Ears on the Said Wolves Whelps or Panthers so Certified are to be cutt of in the Presence of the Said Justice or Supervizor, and Such Certificate being Produced to the Supervizors of the Said County the Said Supervizors Shall Allow Such Person or Persons as Shall Produce Such Certificate as aforesaid, all Such Sum or Sums of Money as are Allowed by this Act for Destroying of Wolves Whelps or Panthers, and the Said reward Shall be a County Charge and SHALL be raised assessed & Levyed Together with the other necessary & contingent charges of the Said County.

BE it Enacted by the Authority aforesaid, That the Supervizors of the Said County Shall & are hereby Impowered Required & Directed to order the aforesaid Sum or Sums of Money by this Act to become Due, to be paid to the County Treasurer, and the Said Treasurer Shall pay the Same, as shall be ordered and Directed by the Said Supervizors to Such Person or Persons or their Assigns as have so killed or Destroyed Such Wolfe or Wolves Whelp or Whelps Panther or Panthers.

BE it further Enacted by the Authority Aforesaid, That every native Free Indian or Negro or other Slave, who shall have Actually Killed or Destroyed any Wolfe or Wolves, Whelp or Whelps Panther or Panthers within any of the Counties Aforesaid and carry the Head or Heads thereof with the Intire Skin thereon To any of the Justices or Supervizors of the Said County wherein Such Wolves Whelps or Panthers are Killed or Destroyed and bring Such Evidence or give Such Reasons as to the Satisfaction of the Said Justice or Supervizors, That Such Wolfe or Wolves Whelp or Whelps Panther or Panthers were Killed within the Said County, where Such Justices or Supervizors are appointed or Chosen, in Such case the Said Justice or Supervizor are hereby Impowered Required & Directed, to give a Certificate to the Master or Mistress of Such Slave or Slaves, or to any Such Native or Free Indian, in the Same form and manner as is herein before Directed by this Act to be given to THE Inhabitants of the Said Counties and Such Master, Mistress Native or Free Indian Shall be Intituled to and receive the Same Reward as is given by this Act to the Inhabitants of the Said Counties.

THIS ACT to be and Continue in Force from the Publication thereof for the full Term of Six years & no Longer.

## THE TWENTY-SECOND ASSEMBLY.

*Tenth Session.*

On Apr. 19, 1743, 16 George II, George Clarke, Lieut. Governour.)

## [CHAPTER 737.]

Chapter 737 of Livingston & Smith and Van Schaack, where the title printed. See chapter 692. Revised by chapter 883.]

An Act to Revive an Act Intituled an Act To prevent the Penning & folding of Sheep & neat Cattle feeding on Hamstead Plains.

[Passed, October 29, 1742.]

WHEREAS an Act Intituled an Act to prevent the Penning and folding of & neat Cattle feeding on Hamstead Plains Passed in the Seventh year of his Majesties Reign, is Expired by its own Limitation and the Said Act having been found very beneficial.

It is therefore Enacted by his Honour the Lieutenant Governour, the Council and General Assembly, and it is hereby Enacted by the Authority of the Same, that the Said Act Intituled an Act to prevent the Penning & folding of Sheep & neat Cattle Feeding on Hamstead Plains, Shall be & hereby is Revived, every Clause Article, Matter & thing therein contained Enacted to be of full force & virtue to all Intents, constructions & Purposes whatsoever from the publication hereof until the first Day of December which will be in the fourth year of our Lord one Thousand Seven Hundred & Fifty.

## [CHAPTER 738.]

Chapter 738 of Livingston & Smith and Van Schaack, where the title printed.]

An Act to Enable the Mayor Recorder & Aldermen of the City of Albany, and the Justices of the Peace of the said City & County, To raise a farther Sum of Four Hundred Pounds to Finish & compleat the Court House & Goal for the said City & County.

[Passed, April 30, 1743.]

WHEREAS by an Act of the Lieutenant Governour the Council & the General Assembly, Intituled an Act to Enable the Mayor, Recorder and Aldermen of the City of Albany & Justices of the Peace of the Said City & County, to build a New Court House and Goal, for the Said City & County, passed in the ninth year of his Majesties Reign, The Mayor Recorder and Aldermen of the City of Albany & Justices of the Peace for the Said City & County, were authorized & Impowered to Raise the Sum of one Thousand and two Pounds for Building a Court House and Goal for the said County which Sum raised & applied is found Insufficient to compleat the Said Court House & Goal.

It is therefore Enacted by the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the authority of the Same, that the Supervisors of the Said County at their first meeting after the Publication of this Act, shall proceed to raise the Sum of Four Hundred pounds above the annual County charge which money shall be raised collected & apply'd in the same manner as is directed in and by the aforesaid Act raising of the Sum of one Thousand & two Pounds.

It is further provided and be it further Enacted by the authority Aforesaid, that in case any part of the four hundred pounds should be more than Sufficient to compleat the Said Court House and Goal, the overplus shall be applied towards defraying the annual county Charges.



## [CHAPTER 739]

[Chapter 739 of Livingston & Smith and Van Schaack, where the title only is printed. Expired June 13, 1744.]

An Act to apply the Sum of Four Hundred Pounds for Providing & furnishing the Garrison in New York with Fire Wood & Candles from the Thirteenth of June next, to the Thirteenth of June One Thousand Seven Hundred & Forty four.

[Passed, April 30, 1743.]

WHEREAS the Allowance for Fire wood & Candles for his Majesties Garrison posted in the City of New York, will Determine on the Thirteenth day of June next, and the General Assembly being willing to make Provision, that the Said Garrison, may be accomodated and Furnished with Fire Wood & Candles for one year from the time above Mentioned.

BE it Enacted by his Honour the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Treasurer of this Colony Shall and is hereby required to pay after the Thirteenth day of June next out of the monies in his Hands appropriated towards the Support of the Government of this Colony unto the Governour or Commander in Chief for the time being, the Sum of four Hundred Pounds, to provide & furnish his Majesties Garrison in the City of New York with Fire Wood & Candles from the Thirteenth of June next, To the Thirteenth of June One Thousand Seven Hundred and Forty four, which said Sum of Four Hundred pounds, the Said Treasurer shall Pay in the Same manner as the Several Allowances are directed to be paid in & by an Act Intituled an Act for paying out of the monies appropriated for the Support of this Government the Sallaries Services & Contingencies there in Mentioned until the first day of September one Thousand Seven Hundred and Forty Three, passed in October one Thousand Seven Hundred and Forty two.

AND be it further Enacted by the Authority aforesaid, that if the said Sum of Four Hundred Pounds, Shall be received by the present Lieutenant Governour, or by the Commander in Chief for the time being, He the Said Lieutenant Governour or the Commander in Chief for the time being so reciving the Same, his Executors or administrators Shall be and hereby are

obliged to provide & furnish a sufficient Quantity of Fire Wood and Candles to and for the Said Garrison until the Thirtieth of June one Thousand Seven Hundred & Forty-four.

[CHAPTER 740.]

[Chapter 740 of Livingston & Smith and Van Schaack, where the act is printed in full. See chapter 305.]

An Act for Explaining & Rendring more Effectual an Act of the Governour Council & the General Assembly, Intituled an Act, to oblige the Inhabitants of Each Particular Ward within the City of New York, to make good their Respective Quotas of all Publick Taxes.

[Passed, April 30, 1743.]

WHEREAS by one Act of the Governour Council and the General Assembly, Intituled an Act to oblige the Inhabitants of Each Particular Ward within the city of New York to make good their Respective Quotas of all Publick Taxes Passed in the first year of his late Majesties Reign, It is (amongst other things) Enacted, That if thereafter any Collector or Constable of any Ward within the Said City, Should prove Insolvent of the Publick Taxes by him Collected & Received, or Withdraw himself with the Publick Money, so that it could not otherwise be had & Received the Inhabitants of Such Ward, as have Chosen Such Collector or Constable so offending, Should make good the Loss & Damage in that behalf, by a Fresh Levy upon Themselves, and not upon the Inhabitants of the whole City, as has been formerly; any usage or Practice to the Contrary in any wise notwithstanding.

BUT as no Particular & Express Powers & Directions are given in the Said Act for putting in Execution the Just & good Purposes Intended by it by means whereof Doubts & Disputes have Arisen & the good Ends defeated which were thereby Intended, to the great hurt of the Publick & I'll Example to Collectors & Constables, as it may on the other hand Induce the good People to be more cautious in Choosing Such Officers for the future.

BE it therefore Enacted by his Honour the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That in all Cases where



Collectors or Constables in THE City & County of New York, have kept back or Converted to his or their own use, or shall hereafter keep back or Convert to his or their own use, the whole or any part of the Tax or Taxes, or the Rate or Rates which He or They have been, or shall hereafter be Impowered to Collect, and that the Same cannot be Recovered from the Collector or Constable who Committed Such Fraud or Frauds, or from his or their Heirs Executors & Administrators within four Months after the Same ought to be paid, Then and in Such Case the Justices or the City Vestry or both, or Such other Person or Persons, who did Lay any Original Tax or Rate or Shall hereafter Lay the Same in which Such Imbezelmments as aforesaid have Happened or shall hereafter happen, Shall be & hereby are fully Authorized Impowered & Required to add in the next Succeeding Tax or Rate of the same Nature to the Quota or Assessment of such Ward & Wards as do & shall appear to be so in Arrear of Former Taxes or Rates as aforesaid, so much as their Respective Deficiency Shall bona fide Amount to, which being so added to the Said Quota, is to be Collected therewith & paid in the Same manner & to the Same use & uses as in the original Tax or Rate is or Shall be Directed, Out of which there Shall be Allowed for the Collection of it the Same Reward as the Collector or Constable would have had if it had been Collected by Them.

AND That this Act may Duly be observed & complied with BE it further Enacted by the Authority aforesaid, That the Said Justices & City Vestry, or Such other Person & Persons who are to Lay the Tax as well as the Collectors & Constables of the Said City, Shall be & hereby are Strictly Charged & Enjoined to comply with the Directions of this Act, and in Default thereof, They & Each of Them respectively, Shall be Subject and LYABLE to the same Fines & Penalties as in Such Cases are Provided by the Several Acts by virtue of which any Former Taxes or Rates have been lay'd or Assessed.

AND be it provided and Enacted by the Same authority, That whatever new Levys shall be made by virtue of this Act, Instead of the Deficiencies which have been, or Shall be occasioned by the Default of Collectors or Constables in manner as aforesaid, the Collector or Constable who did or shall Commit such Frauds or make such Default, and his & their Executors & Administrators Shall be & hereby are made as Lyable & Subject to make the Same good as if this Act had not passed, to

be recovered from him or them with full Cost in any Court of Record within this Colony, by action of Debt in which no Essoyn, Protection or Wager of Law, or more than one Imparlance Shall be allowed, and the Monies which Shall be Recovered in Consequence thereof, Shall be applyed in ease of the Ward or Wards wherein Such New Levys Shall be made in the first Tax or Rate of the Same Nature which Shall thereafter be Lay'd in the Said City.

### THE TWENTY-THIRD ASSEMBLY.

#### *First Session.*

(Begun Nov. 8, 1743, 17 George II, George Clinton, Governor.)

#### [CHAPTER 741.]

[Chapter 741. of Livingston & Smith and Van Schaack, where the title only is printed. Livingston & Smith and Van Schaack, state that this act was passed December 2, 1743. The original law gives the date of passage as December 1, 1743. The Minutes of the Assembly give the date of passage as December 1, 1743. (See Journals of Assembly, vol. 2, p. 8.) The Minutes of the Council give the date of passage as December 2, 1743. (See Journals of Council, p. 827. See chapter 729. Continued by chapter 778.)]

'An Act for the further Continuance of an Act Intituled an Act for & towards Supporting the government of this Colony by granting to his Majesty the Duties therein Mentioned from the first day of December one Thousand Seven Hundred & Forty, To the first day of December, one Thousand Seven Hundred and Forty one.

[Passed, December 1, 1743.]

WHEREAS the above Mentioned Act Passed in the fourteenth year of his Majesties Reign, hath by Subsequent Acts been continued to the first day of December in this present year, One Thousand Seven Hundred and Forty Three, and the General Assembly being heartily disposed to make provision for the further Support of his Majesties Government in this Colony.

BE it Enacted by his Excellency the Governour, the Council and the General Assembly, and it is hereby Enacted by the



Authority of the Same that the before mentioned Act, Intituled an Act, for & towards Supporting the Government of this Colony, by granting to his Majesty the Duties therein Mentioned, from the first day of December one Thousand Seven Hundred and Forty, to the first day of December, one Thousand Seven Hundred & Forty one, shall be & hereby is Encated to be further continued, & every Clause, Article, Matter & thing therein contained to remain & be of Full Force & virtue to all Intents, constructions & Purposes whatsoever, from the Said first Day of December one Thousand Seven Hundred & Forty Three, until the first day of December which will be in the year of our Lord, one Thousand Seven Hundred & Forty four.

[CHAPTER 742.]

[Chapter 742, of Livingston & Smith and Van Schaack, where the title only is printed. Livingston & Smith and Van Schaack, state that this act was passed December 2, 1743. The original law gives the date of passage as December 1, 1743. The Minutes of the Assembly give the date of passage as December 1, 1743. (See Journals of Assembly, vol. 2, p. 8.) The Minutes of the Council give the date of passage as December 2, 1743. (See Journals of Council, p. 827. Expired November 1, 1744.)]

An Act to Let to Farm the Excise on Strong Liquors Retaild in this Colony, from the first of November One Thousand Seven Hundred & Forty Three, To the first day of November, One Thousand Seven Hundred & Forty four.

[Passed, December 1, 1743.]

WHEREAS by an Act of the General Assembly, Intituled an Act, for laying an Excise on all Strong Liquors Retaild in this Colony, Passed in the Twelfth Year of the Reign of her Late Majesty Queen Ann, there was given & Granted to her Said Majesty, Her Heirs & Successors a Duty of Excise on all Strong Liquors retaild in this Colony, from the first Day of November, One Thousand Seven Hundred & Fourteen, to the first day of November, One Thousand Seven Hundred and Thirty Four, for the uses and Purposes in the Said Act particularly mentioned, which Said Duty of Excise, hath by Several Subsequent Acts, been further continued from the Said first day of November, one Thousand Seven Hundred & Thirty four, to the first

day of November, which will be in the Year of our Lord One Thousand Seven Hundred & fifty Seven.

AND WHEREAS Sundry Persons have by Themselves or by others on their behalf, offered & Engaged to Pay for the Said Duty of Excise in the Cities and Counties of this Colony, from the first Day of November in this Present year, One Thousand Seven Hundred and Forty Three, To the first day of November which will be in the year of our Lord, One Thousand Seven HUNDRED & Forty four, Such Rates as are Conceived more beneficial then to Let the Same to Farm in any other manner.

BE it therefore Declared and Enacted by His Excellency the Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Persons hereinafter named Shall be the Farmers of the Said Duty of Excise from and to the times last Mentioned, in the Respective Cities and Counties of this Colony, and to have and receive the Benefits thereof at the Rates and for the Several Sums of money following that is to say

TO Edward Man and William Gilbert for the City and County of New York for the Sum of Five Hundred & Seventy Pounds.

Thomas Williams for the City and County of Albany for the Sum of One Hundred & Forty Pounds.

Jacobus Debeavois, Hendrick Remse and Barnt Andrisen for Kings County, for the Sum of Thirty One Pounds.

John Buttler for Queens County for the Sum of Eighty five Pounds.

Epenetus Platt for Suffolk County for the Sum of Fifty Eight Pounds.

Anthony Yelverton for Dutchess County for the Sum of Fifteen Pounds.

Hendrekus Dubois & Johanes Schepmuss for Ulster County for the Sum of Thirty One Pounds.

Paul Michaux for Richmond County for the Sum of Sixteen Pounds.

Samuel Gale, David Blauvelt, and Rem Remse for Orrange County, for the Sum of Twelve Pounds.

Phillip Pell, Jonathan Lawrence, and Samuel Purdy Esq. for West Chester County, for the Sum of Forty Nine Pounds.

AND for the Effectual Securing the Several Payments before Mentioned, BE it Enacted by the Authority aforesaid, That the Several Farmers before named Shall be and hereby are Required & Obliged on or before the first Day of January next, Severally



to Enter into the following Recognizances before any Judge of the Supreme Court, or of the Inferiour Courts to his Majesty his Heirs & Successors with Sufficient Surety's that is to Say.

Edward Man & William Gilbert in the Penal Sum of Eleven Hundred & forty Pounds, Currant Money of this Colony.

Thomas Williams in the Penal Sum of two Hundred & Eighty Pounds.

Jacobus Debeavois, Hendrick Remse, & Barnt Adrisen in the Penal Sum of Sixty Two Pounds.

John Buttler for Queens County in the Penal Sum of One Hundred & Seventy Pounds.

Epenetus Platt in the Penal Sum of One Hundred & Sixteen Pounds.

Anthony Yelverton in the penal Sum of Thirty Pounds.

Hendrickus Dubois & Johanes Shepmuss in the Penal Sum of Sixty two Pounds

Paul Michaux in the Penal Sum of Thirty two Pounds:

Samuel Gale, David Blauvelt & Rem Remse in the Penal Sum of Twenty four Pounds.

Phillip Pell, Jonathan Lawrence & Samuel Purdy Esq'r in the Penal Sum of Ninety Eight Pounds.

CONDITIONED That each of the Said Farmers shall well & truly Pay to the Treasurer of this Colony the Respective Sums They have Severally Farmed the Said Duty of Excise at, in two Equal half Yearly Payments That is to Say, one half thereof on the first day of May next Ensuing, And the other half thereof on or before ye first Day of November, which will be in the year of Our Lord one Thousand Seven Hundred & Forty four, and the Judge or Judges before whome Such Recognizance or Recognizances are taken, are hereby required to Transmit the Same with all Convenient Expedition, to the Said Treasurer, with whom they are to Remain until They shall be Discharged.

AND to the End the Several before named Farmers may have the full benefit of the Said Duty of Excise from and to the Time before Mentioned. BE it Enacted by the Authority Aforesaid, that They and each of them, and each and every of their Executors Administrators & Assigns, Shall be and hereby are vested with all and Singular the powers and Authority's for GATHERING Collecting and Recovering the Said Duties and Forfeitures Imposed in the Said Act, in the respective Places the Said Excise is hereby Farmed to Them, which in and by the Same are granted & allowed to Farmers of the

Said Excise, in as full Ample and Effectual manner to all Intents Constructions and Purposes whatsoever, as if the Several Clauses relating thereto in the Act Aforesaid, had been at Large Inserted & Enacted in the Body of this Act.

AND WHEREAS Several People and more particularly in the City of New York, have Frequently Presumed to Retail Strong Liquors in their Houses, without being Duly Lycenced for that Purpose, and whereas Such Persons as aforesaid, as Likewise Several Others, who were duly Lycenced to Retail, not only Sold Strong Liquors to Slaves but often Entertained great Numbers of Them at their Houses, or Suffered them to be Entertained there, which Tempted and Encouraged the Said Slaves to rob their Masters & others, for Supporting the Expence of Such Vile Practices and at the Same time contributed very much to form the late wicked conspiracy for Burning the Houses and murdering the Inhabitants of the Said City for Remedy of which dangerous Evils.

BE it Enacted by the authority aforesaid That no person Likewise Several Others, who were duly Lycenced to Retail, any Manner of Strong Liquors, in their Houses or Elsewhere at any time during the Continuance of this Act, untill He, she or They have first Entered into Recognizance, That is to Say, in the Citys of New York & Albany, before the respective Mayors thereof, and in all the Several Counties of this Colony before two Justices of the Peace, in the Penal Sum of Twenty Pounds with SUFFICIENT Security in the Like Sum Conditioned to keep an orderly House according to Law, during the time They shall be so Lycenced to retail as aforesaid, and there upon the respective Mayors, or the Said Justices Shall grant to the Person or Persons, who have Entered into Such Recognizances a Lycence, under his or their hands and Seals, to Retail Strong Liquors in Such House or Place to be mentioned therein at any time or times, during the Continuance of this Act, which Recognizances are to be Lodged by the Person or Persons, before whom the Same are taken, vizt. in the Cities of New York and Albany, with the town Clerks, and in the Counties, with the Respective Clerks thereof, And upon Complaint made of the breach of the Said Condition, It shall be Lawfull for the Said Mayor and Aldermen of New York and Albany, or the greater Number of Them, and in the Counties, for the Justices at the General or Special Sessions of the Peace, to Suppress the Lycence or Lycences of Such offender or offenders



BE it further Enacted by the Same Authority, That no Person or Persons who have obtained Such Lycence as aforesaid, shall be permitted to Retail Strong Liquors, before He, she or They, have agreed for the Excise, with Such Farmer or Farmers as have taken the Excise, in the Place were He, she or They intend to Retail, and Secured to him or Them the Payment of the Sum so to be agreed on by Bond or otherwise, at the Discretion of the Said Farmer or Farmers, who are thereupon to give a Permit in writting unto Such Person or Persons to Retail Strong Liquors

BE it Enacted by the Same Authority, that if any Person or Persons shall presume to Retail Strong Liquors in this Colony, before, He, she or They have Entered into Recognizances, and obtained a Lycence & Permit in manner as aforesaid, He, She or They so Offending shall not only be Subject and Lyable to the Penalties and Forfeitures contained in the before mentioned Act, but more over Forfeit the Sum of Five Pounds, To be recovered in a Sumary way in the Citys of New York & Albany, before the Mayor or Recorder and one or more Aldermen of the Said City's respectively, and in the Counties by any Two Justices of the Peace one whereof to be of the Quorum, and if upon Conviction the Said Forfeiture be not paid, the Same is to be Levyed on the Goods and Chattels of the Offender or offenders by Warrant under the hands and Seals of the Persons before whom Such Conviction Shall happen, And if no goods or Chattels are found on which to Distrain; It shall be Lawfull for the Persons, who heard and determined the Cause to Commit the offender or offenders to Goal without Bail or mainprize for the Space of Three months, Unless the Said Penalties are Sooner discharged, and the Said respective Magistrates, shall be and hereby are fully Impowered Directed and Required to hear and Determine these matters in manner as aforesaid, and to give Judgment and if need be to award Execution thereon, and to Issue a Warrant or Warrants for Commitment of offenders as the case may require.

AND that the Expençe of being Qualifyd to retail may be within the bounds of Moderation. BE it Enacted by the Authority aforesaid, That no more or greater Sum Shall be demanded or Received for a Recognizance & Lycence in the Cities of New York & Albany than the usual & accustomed fees and in the Respective County's, than the Sum of Three Shillings.

AND WHEREAS Several Persons as well in the Said City's as in the County's not being Tavern Keepers, dispose of Strong Liquors from their Cellers or Stores under the Quantity of Five Gallons carryed from thence to other Places. BE IT PROVIDED and Enacted by the Same Authority, that Such Persons Shall not be obliged to Enter into Recognizance and take Lycence in mannor as Aforesaid, any thing contained to the Contrary in the aforesaid Act notwithstanding, but that They & Each of them Shall nevertheless be and hereby are Required & obliged to agree for the Excise with the respective Farmers thereof, and to obtain his or their Permit for so doing, before Such Person or Persons, shall undertake to Retail Strong Liquors without Doors under the Said Quantity of Five Gallons, And in Default hereof every offender and offenders Shall be Subject and Lyable to the Penalties and Forfeitures, which in Such Cases are Directed & Mentioned in & by the Act aforesaid.

AND be it Enacted by the Same Authority that of all the Penalty's which may arise upon the breach of the Recognizances HEREBY Directed to be Entered into, one half Shall be to the Informer or Informers, that Shall Sue for and Prosecute the Same to Effect, and the other half, Shall be paid to the Treasurer and Employed by him to Sink and Cancel Bills of Credit Struck and Issued upon the Duty of Excise, and that all other Forfeitures which may Arise by Virtue of this Act, Shall be to the Sole use and Benefit of the Farmers respectively.

AND be it further Enacted by the Authority Aforesaid, that all the moneys to be paid to the Treasurer by the Several before named Farmers, Shall be Employed for & towards cancelling Bills of Credit Struck and Issued upon the Said Duty of Excise, at the time and in the manner Directed in & by an Act Intituled an Act further to Continue the Duty of Excise & the Currency of the bills of Credit Emittted thereon and to Strike some new Bills for Exchanging Such old ones as are or may be unfit to circulate, Passed in the Thirteenth year of his present Majesties reign and to & for no other use or Purpose whatsoever.



## [CHAPTER 743.]

[Chapter 743, of Livingston & Smith and Van Schaack, where the title only is printed. Livingston & Smith and Van Schaack, state that this act was passed December 2, 1743. The original law gives the date of passage as December 1, 1743. The Minutes of the Assembly give the date of passage as December 1, 1743. (See Journals of Assembly, vol. 2, p. 8.) The Minutes of the Council gave the date of passage as December 2, 1743. (See Journals of Council, p. 827.)]

An Act further to Fortify the City of Albany and Town of Schonegtady, and for Raising the Sum of Four Hundred & Fifty Pounds, to Defray the Expence thereof

[Passed, December 1, 1743.]

WHEREAS by Act of the General Assembly of this Colony, Passed in the Sixteenth Year of his present Majesties Reign, Intituled an Act, for the more Effectual Fortifying the City of Albany, the Mayor, Recorder, Aldermen, and common Council of the said City of Albany, were Obligated to Set up Stockadoes round the Said City at the Proper Costs and Charges of the Corporation thereof. And WHEREAS the Said Corporation by their Petition to the General Assembly, Setting forth the great Hardship they Labour under by reason of the Said Act, and praying that the Sum of Three Hundred Pounds may be Raised upon the Inhabitants of the Said City and County of Albany, to Enable the Said Corporation to pay the Costs and Charges aforesaid.

BE it therefore Enacted by his Excellency the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the Same, That for Finishing and Setting up the Said Stockadoes and removeing Block Houses, The Supervisors of the Said County of Albany or the Major part of Them, at their next meeting, Shall be and hereby are Authorized & Required to Raise & Levy within the Said County of Albany, The Sum of Three Hundred Pounds, which Said Sum Shall be Deemed & Esteemed as a part of the County Charge and shall be RAISED Levied & Collected in the Same manner as the other County Charges are, and the money so Raised Levied & Collected as Aforesaid, Shall be Paid into the hands of the Treasurer of the Said County, and by him paid unto the Mayor, Recorder, or Aldermen of the City of Albany, or the Major

part of Them, for the Purposes Aforesaid, or to Such other Person or Persons, as the Said Mayor, Recorder or Aldermen or the major part of Them Shall order and direct.

AND Whereas the Town of Schonegtade being a Frontier of this Colony, is at present in a Defenceless condition, Be it Enacted by the Authority aforesaid, that the Justices of the Peace and Captains of the Militia of the Township of Schonegtady or the major part of Them, Shall be and hereby are Authorized and Impowered to Fix upon a Line round the Said Town on which to Erect Stockadoes & Block Houses, in Such Manner as They shall Judge Proper & necessary, and that when such Line Shall be Fixed upon, They shall make a Draft thereof Immediately & Transmit the Same to his Excellency the Governour for his approbation and when they Shall have Obtained Such approbation, it shall & may be Lawfull for Them the Said Justices and Captains or the major part of Them, and they are hereby Required and Directed to make a Computation, of the Number of Stockadoes & Quantities of Timber for the Block Houses which will be wanting & necessary to be gotten, in order to the Finishing and Compleating such FORTIFICATION Round the Said Town, and then the Said Justices and Captains, or the major part of Them are hereby Authorized, Impowered, and Required to Assemble Themselves at the Said Town, and then & there to Assess each and Every Freeholder, Inhabitant and Resident of the whole Township aforesaid, how many & what number and Proportion of Stockadoes and Timber for the Block Houses, Each Such Respective Freeholder, Inhabitant, and Resident Shall at his or their own Expence, cause to be brought to the Said Town, in order to the Carrying on Such Fortification, and to Such Place in the Said Town & within Such Convenient Time, as They the Said Justices and Captains or the Major part of Them Shall direct, and in case any Person Shall Refuse to bring the Number, He is ordered to the Place within the time, He shall for each Stockado or Pieces of Timber for Such Block Houses, He neglects or Refuses to bring, Forfeit the Sum of Five Shillings, To be recovered by action before any Justice of the Peace, within the County Aforesaid, which money Shall be applyed Towards the Compleating the Fortification of the Said Town.

AND for the better Enabling the Justices & Captains Aforesaid to Erect and Set up the Said Stockadoes & Block Houses



round the Said Town, BE it Enacted by the Authority aforesaid, That for Finishing and Setting up the Stockadoes AND Erecting Block Houses round the Said Town or Such part of the Town, as the Justices and Captains or the Major part of them shall think proper, The Supervizors of the Said County or the Major part of them, At their meeting in the year One Thousand Seven Hundred & Forty four, Shall be & hereby are Authorized and Required, to Raise and Levy within the Said County of Albany, a Sum not Exceeding the Sum of One Hundred & Fifty Pounds, which said Sum Shall be deemed and Esteemed as a part of the County Charge, and Shall be Raised Levied & Collected in the Same manner as the other County Charges are, and the Money so Raised Levied & Collected as aforesaid, Shall be paid into the hands of the Treasurer of the Said County and by him Paid unto the Said Justices or Captains or the Major part of Them, To be by them Employed for Setting up the Said Stockadoes & Erecting the Block Houses aforesaid.

## [CHAPTER 744.]

[Chapter 744. of Livingston & Smith and Van Schaack, where the title only is printed. Expired September 1, 1744.]

'An Act for Payment of the Salaries Services & Contingencies therein Mentioned until the first of September one Thousand Seven Hundred & Forty four, Out of the Fonds appropriated for the Support of this Government.

[Passed, December 17, 1743.]

BE it Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Treasurer of this Colony, Shall be & hereby is Impowered & required, out of the Interest money Arisen or to arise by Virtue of an Act, Intituled an Act for Emitting Bills of Credit, for the Payment of the Debts, and for the better Support of the Government of this Colony and other Purposes therein Mentioned passed in the Eleventh year of his Majesties Reign, and out of the Moneys arisen by the Duties & Impositions granted by an Act, Intituled an Act for and Towards Supporting the Government of this Colony, by

granting to his Majesty the Duties therein Mentioned from the first day of December, one Thousand Seven Hundred & Forty, To the first day of December, one Thousand Seven Hundred & Forty One, passed in the Fourteenth year of his Majesties reign and out of moneys arisen or to arise by virtue of the Several Subsequent Acts for the continuance of the Act last aforesaid until the first day of December which will be in the year of our Lord, One Thousand Seven Hundred & Forty four, To pay at the times and in the manner hereinafter directed, the Several Salaries & ALLOWANCES following, vizt.

TO his Honour the Lieutenant Governour for his Administring the Government of this Colony from the first day of September last to the time He was Superceeded therein the Sum of Seventy five pounds.

TO his Said Honour the Lieutenant Governour for half a years House Rent from the Eighteenth day of March last, the Sum of Twenty five Pounds.

TO his Excellency the Governour for his Administring the Government of this Colony from the Twenty Second day of September last, to the first day of September next, after the rate of Fifteen Hundred & Sixty Pounds pr Annum.

TO his Said Excellency the Governour for one years House Rent from the Twenty Second day of September last to the first day of September next after the rate of one Hundred Pounds pr Annum.

TO the Governour or Commander in Chief for the Time being for Presents to the Six Nations of Indians, for two years, to wit from the Thirteenth of June, One Thousand Seven Hundred & Forty two to the Thirteenth of June, which will be in the year one Thousand Seven Hundred & Forty four, the Sum of Eight Hundred pounds, which is to be laid out & Employed in proper Presents for & to the Said Nations, when the Governour or Commander in Chief goes to Albany to renew the Treaty, with Them there.

TO the Said Governour or Commander in chief for the time being for the Expences of his voyage to Albany when He goes Thither to renew the Said Treaty, the Sum of one Hundred & Fifty Pounds.

TO the Said Governour or Commander in Chief for the time being after the Thirteenth of June next, the Sum of Four Hundred Pounds to Provide & furnish the Fort & Garrison in New York, with Fire wood & Candles, from the said Thirteenth



of June, until the Thirteenth of June which will be in the year of our Lord one Thousand Seven Hundred & Forty five.

TO Captain Stephen Van Renselaer for providing & furnishing Fire Wood & Candles to the Several Garrisons in the City & County of Albany from the Thirteenth of June last past, to the Thirteenth of June which will be in the year of our Lord one Thousand Seven Hundred & Forty four, the Sum of two Hundred Pounds.

To the Commissioners of Indian Affairs at Albany for their Disbursements & Expences to & concerning the Six Nations & other Indians & for Presents to them as occasion may require for the Publick Service of the Colony, and to confirm them in the Brittish Interest from the first of September last past, to the first of September, which will be in the year, One Thousand Seven Hundred & Forty four, the Sum of one Hundred & Seventy Pounds & for Extraordinary Incidents at this critical Juncture the Sum of Thirty Pounds more.

TO Andries Nock for himself & the other Persons that have been sent with him, by order & for the Service of this Government to the Senekas Country, & residing in it from the first day of September in the year one Thousand Seven Hundred & Forty two To the first day of September in THE year one Thousand Seven Hundred & Forty three, as well to amend the Arms of the Indians of that Nation & confirm them to the Brittish Interest as to prevent the French from making any Settlement in that Country, the Sum of Eighty Pounds.

TO Jacobus Bleeker for his Salary as Indian Interpreter & for all other Services that he has been or may be directed to do by the Governour or Commissioners of Indian Affairs from the first day of September last past, To the first first day of September which will be in the year, one Thousand Seven Hundred & Forty four, the Sum of Ninety Pounds, and after that rate if by Death or otherwise he should not Perform that Service to the Time last Mentioned.

TO the Reverend Henry Barkley for his care, Dilligence and Industry to Instruct the Indians in the Christian Religion and in reading & writting & thereby confirming them in the Brittish Interest from the first of September One Thousand Seven Hundred & Forty three To the first of September one Thousand Seven Hundred & Forty four, the Sum of Twenty Pounds, and his receipt Shall be to the Treasurer a good Voucher & Discharge for the Said Sum.

TO James Delancy Esqr. as chief Justice of the Supreme Court of this Colony & for his going the Circuits in the Several Counties thereof, From the first day of September last past, To the first day of September, which will be in the year of our Lord one Thousand Seven Hundred & Forty four, the Sum of Three Hundred Pounds & after that rate if by Death or Otherwise, He should not hold that POST so long as to the Time last Mentioned.

TO Frederick Philipse Esqr. as Second Justice of the Said Supreme Court & for his going the Said Circuits, from the first of September last to the first of September, which will be in the year one Thousand Seven Hundred & Forty four, the Sum of one Hundred Pounds, and after that Rate if by Death or Otherwise he should not hold that Post so long as to the Time last Mentioned.

TO Daniel Horsmanden Esqr. as third Justice of the Said Supreme Court, and for his going the Circuits when there shall happen to be occasion for it, from the first of September last, to the first day of September, which will be in the year, one Thousand Seven Hundred & Forty four, the Sum of Fifty Pounds, and after that rate if by Death or otherwise he should not hold that Post so long as to the Time last Mentioned.

TO the Secretary of this Colony for the time being for En-grossing and Enrolling the Acts of the General Assembly, from the first of September last, to the first day of September which will be in the year, one Thousand Seven Hundred and Forty four the Sum of Thirty Pounds.

TO the Clerk of the Council for the time being, for his Services and Attendance on the Council, during the Setting of the General Assembly & for all Publick Services performed or to be performed by him in that Station, from the first of September last, to the first DAY of September which will be in the year, one Thousand Seven Hundred & Forty four the Sum of Thirty Pounds.

TO the Door Keeper of the Council for the time being for his Services in that Station from the first of September last to the first day of September which will be in the year one Thousand Seven Hundred & Forty four, the Sum of Twenty Pounds.

TO William Bradford as Publick Printer from the first of September last to the first of December following the Sum of Twelve Pounds and Ten Shillings.



TO James Parker as Publick Printer, for Printing the Votes Proceedings and Acts of the General Assembly & delivering a Compleat Set thereof to the Governor, & each of the Members of the Council & General Assembly, as Likewise a Set of Acts to each of the County Clerks for the use of the Counties & for Printing Proclamations and all other Publick Acts of the Government from the first of December in this present year to the first day of September which will be in the year one Thousand Seven Hundred & Forty four the Sum of Thirty Seven Pounds & Ten Shillings.

TO Samuel Heath the Land & Tide Waiter of the Colony Duties, or to the Land & Tide Waiter thereof for the time being from the first of September Last, To the first Day of September which will be in the year, one Thousand Seven Hundred & Forty four after the Rate of Thirty Pounds per Annum.

TO John Kip for his Services as Gauger of Liquors Subject to the Said Duty, or to the Gauger thereof for the time being, from the first of September last, To the first day of September which will be in the year, one Thousand Seven Hundred & Forty four after the rate of Thirty Pounds per Annum.

TO George Duncan Clerk of the General Assembly or to the Clerk thereof for the time being, for his Services in that Office & for Engrossing all Publick Acts & furnishing Paper, from the first of September last, To the first day of September which will be in the year, one Thousand Seven Hundred & Forty four at the rate of Twelve Shillings a Day payable upon a Certificate of the General Assembly Signed by the Speaker for the number of days he has Served or may Serve in each Sitting or Session.

TO the Said George Duncan for his Extra Services in this Session the Sum of Five Pounds and his receipt to the Said Treasurer Shall be a Sufficient Voucher and discharge for the Same.

TO Alexander Lamb as Door Keeper to the General Assembly or to the Door Keeper thereof for the time being, from the first of September last, To the first day of September which will be in the year one Thousand Seven Hundred & Forty four, at the rate of Five Shillings a Day payable upon a Certificate of the General Assembly Signed by the Speaker thereof for the number of days he has attended, or shall attend that Service in each Session, out of which Sundays are to be deducted.

TO the Said Alixander Lamb for Sundry Disbursements by him for the use of the General Assembly, the Sum of Four Pounds Eleven Shillings & two pence, & his receipt to the Treasurer shall be a Sufficient voucher & Discharge for the Same.

TO Abraham De Peyster Esqr. Treasurer of this Colony, or to the Treasurer thereof for the time being, for the Services which have been or shall be performed by him, in that Office from the first of September last, To the first day of September which will be in the year of our Lord one Thousand Seven Hundred and Forty four, after the rate of Two Hundred Pounds per Annum.

TO his Excellency the Governour for the Solicitations which He has at the Special request of the General Assembly in Conjunction with the Council been pleased to make to his MAJESTY and his Ministers of State in behalf of this Colony & for the Expense & Loss of time the Same has occasioned to him The sum of One Thousand Pounds, payable after the first of June next.

AND for the due & orderly Payment of the Several Articles allowed in this Act, Be it Enacted by the Authority Aforesaid, that the following Allowances Shall be upon Warrants Issued in Council, Signed by the Governour or Commander in Chief, for the time being, by & with the Advice & consent of the Council, at the Respective Times hereunder Mentioned, that is to Say.

THE Articles to his Honour the Lieutenant Governour for his Salary & House Rent, To his Excellency the Governour for his Salary & House Rent, To the three Justices of the Supreme Court, To the Indian Interpreter, To the Secretary, To the Clerk of the Council, To the Door Keeper, of the Council, To the Printers, To the Land & Tide Waiter, and to the Gauger, Quarterly Either from the first of September last, or from the Particular Times mentioned in the Allowance of any of the Said Articles, and for the Articles for one Thousand Pounds to his Excellency for Fire Wood & Candles in New York & Albany, for the Commissioners of Indian Affairs and to Andries Nock, after the Thirteenth of June next, And for the Articles for Presents to the Indians and for the Voyage to Albany, when the Governour or Commander in Chief Shall be going Thither to renew the Treaty with the Six Nations of Indians there.



BE it Enacted by the Authority aforesaid That every Such Warrant & Warrants as aforesaid Issued at the Time & Times above mentioned, for the respective Sum & Sums of money allowed in this Act, shall be paid by the Treasurer out of the money hereby Applied for that Purpose, to the Person and Persons to whom the Same shal be made Payable, or to his or their Assigns, and his or their receipt thereon, Shall be to the Said Treasurer a good voucher & discharge in Law for so much as shall thereby be Acknowledged to have been received Provided the Same do not Exceed the Respective Sum or Sums allowed in this Act.

BE IT PROVIDED & ENACTED by the Authority Aforesaid that if his Said Excellency shall happen to die, or to be Superseeded in the Administration of this Government, or that any of the before Mentioned Officers should happen to Die, or be removed from their respective offices before the first day of September, which will be in the year of our Lord one Thousand Seven Hundred & Forty four, Warrants may be Issued in manner as aforesaid, for so much only out of the respective Sum or Sums allowed in this Act, as at the time of Such Death, Supersedure, or Removal Shall bona Fide be then due to him or Them, and if Such Warrant or Warrants Shall not Exceed such Arrear, the Treasurer is to pay the Same, to such officer or officers respectively, or to his or their Executors, Administrators or Assigns, and the Remainder of Such Allowance or Allowances is to be kept, in the Treasury, till disposed of by Act or Acts thereafter to be passed for that Purpose.

BE it Enacted by the Authority aforesaid, That if by mistake or otherwise, any Warrant or Warrants might Issue in manner as Aforesaid for any matter or thing not provided for in this Act, or Exceeding the respective Sum or Sums allowed in it, and that the Same should be Tendered for Payment to the Treasurer, He is hereby Strictly Charged & Required not to Pay the Same, and if any Suit or Suits should be brought against him for Such Refusal or Refusals, He is to plead the General Issue and give this Act in Evidence and if a Verdict pass for the Defendant, or the Plaintiff be non Suit or forbear Prosecution, the Defendant Shall have treble Costs TO be recovered as in other Cases where Costs are given by Law to Defendants.

BE it Enacted by the Authority aforesaid That the Allowances to the Clerk & Door Keeper of the General Assembly, Shall be paid by the Treasurer, upon their Producing the

Certificates hereinbefore mentioned & their respective Receipts thereon, Shall be to the Said Treasurer a good Voucher & discharge for so much as Shall in Such Receipts be acknowledged to have been received, Provided the Same do not Exceed the Rates hereby Severally allowed to Each of them, And that the following Allowances (vizt.) To Mr. Barkley, the Additional Articles to George Duncan and Alixander Lamb, Shall be paid by the Treasurer to them respectively in the manner directed by this Act, and that the two Hundred Pounds therein Allowed to the Said Treasurer for his Services During the Time before mentioned, Shall be a good Discharge to him for so much in his accounts

BE it Enacted by the Authority Aforesaid that for Paying the Charge of Prosecuting a Counterfeiter of our Paper Money now in the Prison of New York & for answering Such Contingencies or Emergencies as may happen for the proper Service of the Colony, more than what are Provided for in the aforesaid Allowances, Warrants may Issue from time to time for the Same, on the Treasurer, if drawn by the Governour with the advice and consent of Five or more Counsellors, and that Such Extraordinary Services are Expressed in the Body of them, which the Treasurer is hereby ordered and Directed to pay out of the Moneys arisen or to arise as aforesaid. Provided that the whole amount of Such Warrants between this Time & THE first day of September next Shall not Exceed the Sum of Sixty Pounds, & that if no part thereof, or only part of it Shall be required for such Special Services, either the whole or the Residue shall remain in the Treasury for the Support of Government

BE it Enacted by the Authority Aforesaid, that when all the Several Articles allowed in this Act, Shall be paid & Discharged in the manner therein directed, out of the Moneys hereby applyed for that Purpose, all the Remainder of the Said Moneys, Shall be kept in the Treasury, until the Same Shall be applyed & disposed of to & for the Support of this Government by Act or Acts hereafter to be Passed for that Purpose.

AND be it Enacted by the Authority aforesaid that the Treasurer Shall keep Exact Books of the Several Payments which by this Act he is directed to make, & to render true Accounts thereof upon Oath to the Governour or Commander in Chief for the time being, to the Council, or to the General Assembly, when by them or any of them thereunto Required.



## [CHAPTER 745.]

[Chapter 745, of Livingston & Smith, where the act is printed in full. Chapter 745, of Van Schaack, where the title only is printed. (See chapter 666. Explained by chapter 7CS. Prolonged by chapter 897.)]

An act to Prolong the Currancy of Bills of Credit Emitted by Virtue of an Act, Intituled an Act for Emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, & other Purposes therein Mentioned.

[Passed, December 1<sup>st</sup>, 1743.]

WHEREAS the Circumstances of the Colony, in order to Support the Government of it in an Honourable manner, Require the Aid of the Interest Money arising on the Bills of Credit which have been Struck & Issued by virtue of an Act, Intituled an Act for Emitting Bills of Credit for the Payment of the Debts, And for the better Support of the Government of this Colony, and other purposes therein Mentioned, Passed in the Eleventh year of his Majesty's Reign, for a Longer time than the Said Interest money Stands appropriated for the Support of this Government in & by the Act aforesaid.

BE it therefore Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the time for which the Said Interest money So Stands Appropriated for Support of the Government as aforesaid, Shall be and hereby is Deferred, Removed & Prolonged, until the Third Tuesday in the Month of April which will be in the year one Thousand Seven Hundred & Fifty one, any thing in the aforesaid Act to the contrary hereof notwithstanding. And that at the time Last Mentioned, one fourth part of the Said Bills of Credit and the REMAINDER thereof in the Three years next Succeeding thereafter, Shall be paid in Cancelled & Destroyed in the Same manner as in and by the Act aforesaid is Directed; and that as well the Act above Mentioned as one Intituled an Act to Facillitate & Explain the Duties of the Loan Officers in this Colony, passed in the Said Eleventh year of his Majesties Reign & Every the Clauses, Articles, Matters, & things in them contained, shall be & hereby are Enacted to Continue & remain of full Force & virtue to all Intents, Constructions, and Purposes whatso-

ever until the Third Tuesday in the month of April which will be in the year of our Lord One Thousand Seven Hundred and Fifty four. Any thing in the Said two Acts contained to the Contrary notwithstanding

BE it Enacted by the Same Authority That the Said Bills during the time they are hereby Intended & Enacted to remain Currant, Shall continue to be put out at Interest in the Same manner & Method as in the aforesaid Act is directed and Enacted, and that all the Interest money which may arise on them during that Time, Shall from time to time be Employed for & Towards the Support of this Government, and applyed for that purpose in Such manner as in & by the first Mentioned Act is Directed and not otherwise.

AND be it further Enacted by the Authority aforesaid that whensoever the Loan Officers of the Several Cities & Counties WITHIN this Colony, Shall have Sufficient reason to Suspect the Insufficiency of any of the Securities taken or to be taken for any Sums of money Lent or to be Lent out of any of their Several offices, They the Said Loan Officers Shall be & hereby are Impowered & Required to demand Payment of the Principal Sums notwithstanding the due Payment of the Interest thereof, and upon failure of due Payment of Such Principal Sums, to proceed to the Sale of the Mortgaged Lands, according to the Rules & directions prescribed in & by the before Mentioned Acts, or Either of them, any thing in the Said Acts or in Either of them to the contrary notwithstanding

[CHAPTER 746.]

[Chapter 746, of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act for Limiting the Continuance of the General Assemblys of this Colony.

[Passed, December 17, 1743.]

WHEREAS by an Act passed in the first year of the Reign of his Late Majesty of Glorious Memory, Parliaments in great Brittain may Respectively have continuance, for the Term of Seven years and no longer, And whereas the General Assembly of this his Majesties loyal Colony, conceive it their Duty as it is their Inclination to copy after so wise an Example

THEY humbly pray it may be Enacted, and be it Enacted by his Excellency the Governour, the Council, and the General



Assembly and it is hereby Enacted by the Authority of the Same, That this present General Assembly, And all other General Assemblies hereafter to be called or held, shall & may respectively have continuance for Seven years & no longer, To be accounted from the Day on which by the Writts of Summons this Present General Assembly hath been, or any future General Assembly, Shall be Appointed to meet, unless this present or any Such Succeeding General Assembly hereafter to be Summoned Shall be Sooner Dissolved by the Governour or Commander in Chief of this Colony for the time being

[CHAPTER 747.]

[Chapter 747, of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 1, 1744. Provided for by chapter 771.]

An Act for the better Regulating the Militia.

[Passed, December 17, 1743.]

WHEREAS a due and Proper Regulation of the Militia of this Colony Tends not only to the Security and Defence thereof, but likewise to the Honour and Service of his Majesty.

BE it therefore Enacted by his Excellency the Governour the Council, and the General Assembly, and it is hereby Enacted by the Authority of the Same, That Every Person from Sixteen to Sixty years of age, residing within this Colony, Shall within one month after He arrives at the age of Sixteen, and Every Sojourner above the Same Age, having Resided within this Colony above Three months, Shall Inlist himself with the Captain or in his Absence with the next Commanding Officer Either of the Troop of Horse in the City or County where He dwells or Resides, or in Such Company of Foot, whose Captain or next Commanding Officer has the Command thereof, in the City, Town, Burrough, Mannor or Precinct where Such Person Shall Reside or Sojourn, under the penalty of Ten Shillings, and Six Shillings for every Month that Such Person Shall remain so unlisted after notice given, And all Captains of Troops of Horse and Companies of Foot in the Several Cities Burroughs, Townships, Mannors and Precincts of this Colony, are hereby commanded to take due care to Inlist all Inhabitants & Sojourners from Sixteen to Sixty years of Age, which age in case of doubt is to be proved by the Oath of the Person whose age

is in Question or THE Oath of his Parent or Some other Credible witness to be taken by the officer before whom the Dispute shall happen to be, who shall administer the Same in the words following. I A. B. do swear upon the holy Evangelists of Almighty God, That C. D Summond before Captain E. F in order to be Inlisted is        years old and no more, according to the best of my knowledge So help me God. Which Oath being duly Administered by the Captain or other Officer who hath Summomed Such Person before him in order to be Inlisted, and it appearing that He is under Sixteen He shall be for that Time dismissed, and if any Dispute should arise about Elder Persons and it appearing, that He or They are above the age of Sixty, Such Person or Persons Shall be Exempted at all Times thereafter.

AND be it Enacted by the Authority Aforesaid that all Captains of Troops of Horse, and Companies of Foot, shall within Three Months from the Commencement of this Act, provide for their Companies & Troops, Drums & Trumpets, Colours & Banners and Drummers and Trumpeters at the proper Charge of their Respective Captains of Troops and Companies under the Penalty of Six Pounds, and for every month Such Captain shall remain Unprovided thereof the Sum of Three Pounds.

AND be it further Enacted by the Same Authority that the Collonels or Commanding officers of all, Regiments, Troops or unregimented Companies within this Colony, Shall at least once in Every year, Issue out their Warrants to their Inferiour officers commanding him or Them to make Dilligent Search and Enquiry in their Several Precincts THAT all Persons be duly Listed, Armed and Equiped, and to return to them the names of Such Defaulters as He or they shall find, To the End they may be Punished according to this Act, and if any Collonel of a Regiment, or in his absence the next Commanding Officer, or any Captain or Commanding Officer of a Troop of Horse or Unregimented Company, Shall neglect his Duty herein, He or they so neglecting, Shall Forfeit the Sum of Five Pounds for such Neglect or Omission.

AND be it further Enacted by the Authority Aforesaid, That at Least once in Every year, or oftener if occasion shall require and Command be given by the Collonel and in his absence by the next Commanding Officer of the respective Regiments, The Several Companies in Each Regiment, and the Troops of Horse



and Unregimented Companies of the Several Counties, Shall meet at the most convenient Places therein, to be appointed by the Respective officers, To be then and there Mustered and Exercised, and that Every Soldier belonging to the Horse, Shall at the time and Place commanded appear and be Provided with a good Serviceable Horse not Less than Fourteen Hands High covered with a good Saddle, Houlsters, Housing, Breast Plate and Cruper, a case of good Pistols, a good Sword or Hanger, half a pound of Powder and Twelve Sizeable Bullets, a good hatt Laced with Silver Lace, a black Bag or riband for the hair or Peruke, a Scarlet Coat trim'd with Silver a pair of large Boots with Suteable Spurs and a Carbine well Fixed with a good Belt Swivel & Buckels, Provided that so much hereof as Relates to the Apparel of Troopers, Shall extend to the City & County of New York only.

AND be it Provided and Enacted by the Authority Aforesaid that in Case of a General Allarm or Invasion all Unregimented or Independant Companies and Troops, shall in the absence of the Captain General or Commander in Chief, be under the Immediate Command and Direction of the Collonel, and in his absence the next Commanding Officer of the Regiment of the City or County, where Such Unregimented or Independant Companies or Troops are or may be any thing herein to the Contrary hereof notwithstanding.

AND be it further Enacted by the Authority Aforesaid, that the Troopers for the City and County of Albany, Shall be clad in blew Coats, and their Hatts shall be laced with Silver, and the number of the Troop in the Said City & County, Shall be Sixty besides Officers, and the Number of all other Troops in this Colony, shall be Fifty Troopers BESIDES Officers, and for a constant Supply of Troopers in each City & County within this Colony, where Troops of Horse have been, or are in being whensoever it shall happen by Death or Otherwise that there be fewer Troopers in Number than are Limited by this Act, and the same cannot be Supplied by Voluntiers that then the Captain of Such Troops Shall under his Hand certifie unto the Collonel of the Regiment of Foot or in his absence to the next Commanding Officer in the City or County where such want shall happen, how many Troopers are wanting in his List of the Troop under his Command, and thereupon the Said Collonel or next Commanding Officer of Such Regiment, Shall nominate out of the Same the Number that shall be so wanting as aforesaid, Provided that

Such Person or Persons so nominated by the Said Colonel or next Commanding Officer, be a Freeholder and not under the age of Twenty one years upon which Nomination the Person or Persons so nominated shall within the Space of three Months Equip Themselves as is hereby Directed, and every Trooper that shall be so nominated to serve in any of the Troops, and Refusing to equip himself & Serve, He shall for Such Offence Forfeit the Sum of Ten Pounds, and upon payment thereof, shall not be Liable to any other or further Forfeiture for any offence respecting the Troop but shall nevertheless be subject to serve in the Foot service as if no Such Nomination had ever been made, And all Troopers already Inlisted or who Shall consent to be Inlisted in manner as aforesaid refusing or neglecting to appear Shall for every Such Offence Forfeit the Sum of Ten Shillings for the first Default in not appearing, For the Second default THE Sum of Fifteen Shillings, and for the Third Default Twenty Shillings, and for Every Default after the Third, Twenty Shillings until he doth appear, for want of a Sizeable Horse, Ten Shillings, and for want of each or Either of the Articles of the Troopers Furniture the Sum of Five Shillings. PROVIDED That all the Penalties on one person for the default of one Day do not Exceed the Sum of Twenty Shillings, and Every Trooper or Soldier belonging to the Horse, shall always have at his habitation or place of abode one pound of fine Powder, and Three Pounds of Sizeable Bullets, on Penalty of Ten Shillings for Every default.

AND be it Enacted by the Authority aforesaid that the Companies of Cadies and blew Artillery in the City of New York, are to consist each of one Hundred Men, besides Officers, and if the Collonel of the Regiment of the Said City, or in his absence the next Feild Officer thereof, doth Suspect, that the Captain or Captains of the Said Companies have Inlisted a greater Number than is Limited, above the Captain of the Company so Suspected, Shall be obliged within fourteen Days after notice to deliver to the Captain General or Commander in Chief, a True and Compleat Roll of the name and names of all the Persons He or they have on his or their List, and if it thereby appears that more are Inlisted than the number above mentioned All Such Supernumary Men are Imediately to be discharged out of Such List, and the Captain is to give a List of their names to the Collonel or next Field Officer aforesaid, and the Person or Persons so DISCHARGED Shall within fourteen days



thereafter inlist him or Themselves in one of the foot Companies of the Said Regiment, and Such of the Persons so discharged as shall omit to Inlist himself accordingly Shall be Subject to the Fines in this Act on Persons omitting or Neglecting to Inlist in the Militia

AND be it Enacted by the Authority Aforesaid That every foot Soldier in any of the Regiments or Independant Companies of Foot in this Colony, Shall be Provided with a good well fixed Musquit or Fusee, a good Sword, belt, and cartridge box, Six cartridges of powder, and Six Sizeable bullets, and so provided shall appear, when & where required upon Penalty of Five Shillings for each Musquit or Fusee not well fixed, and for want of a Sufficient Sword, Belt, or Cartridge box, Shall forfeit one Shilling & the Same for want of each Cartridge or Bullet, the whole Penalty for the default of one Person for one Day not to Exceed Ten Shillings and the Sufficiency of the Musquits, or Fusee, Sword, Belt & Cartridge Box to be Judged of and Determined by the Captain, or in his absence the next Commanding Officer of Such Company, and Every foot Soldier shall at his habitation or place of abode, have one pound of good Powder and Three pounds of Sizeable bullets, upon penalty of Ten Shillings for each Soldier of Foot, and if any Soldier of Foot or Horse shall refuse to Show to his Captain or Person Sent by him or other Officer for that Purpose by this Act appointed, all or any of the Equipage, Furniture or Ammunition, here mentioned, He shall be Deemed and Esteemed to be unprovided thereof, and Shall be fined Accordingly.

AND be it Enacted by the Same Authority that upon notice given of a General Muster or of the Review or appearance in the Field of any PARTICULAR Troop or Troops Company or Companies no Person whatsoever Listed in Horse or Foot in manner aforesaid, Shall withdraw himself from that Service, or go out of Town, without first acquainting his Captain and in his absence the Next Commanding Officer therewith, and without his Leave or Authority so to do, under the Penalty of Ten Shillings, and no Commission Officer shall remove himself out of Town or withdraw from the Service, without Leave from his Superior Officer, under the Penalty of Twenty Shillings, and no Serjeant, Corporal or Drummer whether of Horse or Foot, shall absent Themselves in manner aforesaid under Penalty of Twenty Shillings.

AND be it further Enacted by the Same Authority that no Person or Persons being thereunto required by their Superior &

proper Officer, shall refuse to be Serjeant, Corporal, or Drummer, in any Troop or Company, under the penalty of Forty Shillings, and in case any Serjeant or Corporal, so appointed shall refuse to warn the People, to appear under Arms when thereunto Required by his Captain or next Commanding Officer, he shall for every Such Neglect or refusal forfeit Twenty Shillings.

AND be it further Enacted by the Same Authority that such Articles of Warr, as the Captain General, or Commander in Chief for the time being with a General Council of Officers, from the Several Regiments of this Colony, Shall make and Establish, Shall by Authority of this Act have full Force, Virtue and Effect, for the Punishment of all offenders against this Act, and the Said articles or anything therein contained, and all Officers and Soldiers of the Militia, Horse or Foot within this Colony DURING Such time as They or any of them are under arms in the Field or upon Watch and Ward, or other Duty, They & every of Them shall observe & keep, all and every the Articles of War so as aforesaid Established, and shall Pay due Obedience to his and their Superior officer and officers and all his or their Lawfull commands, And all the Collonels of the Several Regiments, Captains of Troops of Horse and Unregimented Companies of Foot, or other the next Officer in their Absence are to give out True Copies of Said Articles, by them Attested, or by one field officer at the Least, unto the respective officers under them, that the Same may be Publickly read once in Every Year at the head of every Regiment unto the Soldiers; while they are in Arms, to the End all Persons Inlisted may the better know and Observe their Several Duties.

AND if it Shall happen that any Officer or Soldier Shall at any time whatsoever, whether under Arms, upon Duty, or Otherwise Maliciously, abuse, affront, or take Revenge, or Endeavour by force to take Revenge for any matter or thing by his or their Superior Officer Lawfully done in pursuance of his or their Duty, or of any thing contained in this Act, the Said officer or Soldier, Shall be brought before a Court Martiall, and Shall be tryed for the Same, according to the true intent and meaning of the Articles of War. Provided always that Such Punishment, Shall not Extend to the Loss of Life or Limb.

BE it Provided and Enacted by the Authority aforesaid that until Such time as the before Mentioned Laws & Articles of War are Established by the Said General Court Martiall, every Soldier UNDER Arms that shall not give due obedience to his



Superior Officer, Shall forfeit the Sum of Ten Shillings for each offence, and if any Person Inlisted to Serve Either in Horse or foot and appearing under Arms, and during Such Appearance Shall Refuse or Neglect to Perform Such Military Duty as Shall be Required from him, or Shall depart from his Colours or Guard, without Leave from Such Officer, He shall Forfeit the Sum of Twenty Shillings, and for non payment thereof, Shall be committed by Warrant from the Captain or Commanding Officer there present, of the Company or Troop to which Such Offender doth belong to the next Goal till the Said Twenty Shillings be paid with the Prison Charges, and the Sheriff of each City and County is hereby Impowered and required to receive the Body or Bodies of all Such Offender or Offenders against this Act as Shall be brought to him by Virtue of a Warrant or Warrants under the hand & Seal of Such Officers as aforesaid, and him or them to keep in Safe Custody until Such Fees & Fines mentioned in Such Warrant are paid, AND it is hereby declared that Such Sheriffs or keepers of Goals, Shall in such Cases as aforesaid be Intituled to the Same Fees as are Allowed in all other Cases. Provided Likewise that in case of a Military Watch or night Guard where a Captain doth not Command in Person, the warrant of Distress or Warrant of Imprisonment granted by an Inferior Officer, who did Command the Guard or Watch, Shall be of the Same Authority against all Offenders, as if the Same Warrants were Issued by the Captain, anything in this Act to the Contrary thereof in any wise.

AND be it Enacted by the Authority Aforesaid, That once every year or oftener if thereunto required each particular Captain shall give to his Colonel, or in his absence to the next Field Officer, and Such Field Officer and the Captains of Unregimented Troops & Companies to the Captain General or Commander in Chief for the time being, fair written Rolls of their Respective Regiments, Troops & Companies on the Penalty of Forty Shillings for a field Officer, and Twenty Shillings for an Inferior Commanding Officer, and if any Person be wounded or disabled upon any Invasion, or in any other Military Service, He shall be taken care of and Provided for by the Publick during the time of Such Disability.

BE it Enacted by the Authority aforesaid That the Several Fines, Penalties and Forfeitures in this Act mentioned, Shall be Levied, Recovered, and Disposed of as followeth, that is to Say, that all Such Forfeitures as do relate to any Person under

the Degree of a Captain, shall be Judged by and be taken to the respective Captains to Defray the Charges of their Troops & Companies, and to be Levied before the next Exercising day, by Distress and Sale of the Offenders goods, by the Captains Warrant Directed to the Serjeant or Corporal of the Company, wherein the Said Offence was Committed, But if the offender be a Servant, or under his Parents care, Then in such case the Masters or Parents goods Shall be Lyable to Such Distress and Sale as aforesaid, till Sattisfaction be made and if any Serjeant or Corporal Shall refuse to Execute Such Warrant so to him directed, Such Serjeant or Corporal, shall for every Such Offence Forfeit for the uses above Mentioned the Sum of Forty Shillings to be Levied in manner before Expressed, by Such other Officer, Serjeant or Corporal, as Such warrant Shall be Directed to, and for all other Penalties and Forfeitures in this Act mentioned, the Same Shall be Levied by Distress & Sale of the Offenders goods by Warrant from the Collonel, or the next Field Officer where Such Offenders are, one half to Such Collonel or Field Officer, and the other half to the use and Benefit of the Regiment in the City and County where the Offence is committed, And if the Fines that Relate to persons, under the degree of a Captain, Shall not amount to a Sum Sufficient to Defray the Charges of Captains of Troops and Companies, that then what is wanting, Shall & may be Levied upon the Several Soldiers Equally by Warrant of the Collonel or Chief Officer of the Regiment, Troops, or Companies, and if no goods are to be found whereon to Distrain, the person Offending is to be sent to the next Goal there to remain till Sattisfaction be given, and the Prison Fees paid, and the Serjeants, Corporals, or Clerk of the Regiment are to reserve to themselves, out of each Distress or Forfeiture the Sum of Three Shillings for Executing each Warrant from their Captain, or other Superior Officer and the Warrant or Warrants to be given to the Serjeants, Corporals or Clerks for making Such Distress as aforesaid, Shall be in the Form following By virtue of an Act of the General Assembly of this Colony, Intituled an Act for the better Regulating the Militia you are hereby required & Commanded to levy by distress upon the goods & Chattels of C. D the just and full Sum of  
 and you are to have the Same Sum before me on  
 which will be the Day of

'AND in case you shall find no Effects whereon to Levy the Distress hereby directed to be Levied, you shall take the body of



him the Said C: D: and him safely convey to ye common Goal, there to remain until the Same with the Prison Fees be fully paid & answered, and for your so doing, this Shall be your Sufficient Warrant, witness my hand and Seal the                      Day of                      in the                      Year of his Majesties Reign Annoq: Domini                      and this warrant and the Execution thereof by the person to whom it is directed, Shall be good in Law, and of full Force & virtue, to and for the purposes in this Act mentioned any thing therein to the Contrary thereof in any wise notwithstanding

AND be it further Enacted by the Authority Aforesaid, that no Person whatsoever do presume to Fire any Small Arm, after Eight of the Clock at night, unless in case of Alarm or Insurrection, in which case four Musquets or Small Arms distinctly fired, or where great guns are, the firing of one great Gun and two Musquets or Small Arms distinctly, and beating of a Drum shall be taken for an Allarm, which Shall be continued along from place to place throughout the Colony, and every person that shall neglect his duty, in taking and forwarding the Alarm, by firing, or beating Drum as aforesaid, or that shall fire Arms after eight of the Clock at night, Shall be fined or Punished at the discretion of a Court Marshall not Extending to Life or Limb, and in case of an Alarm every Soldier is Immediately to repair armed to his Colours or Parade on Penalty of Five pounds, which parade shall be understood to be the Habitation of his respective Captain, unless it shall be otherwise ordered and appointed, and for the better Prevention of false Alarms NO Captain, Master, or Commander of any Ship or Vessel riding at Anchor in any of the Rivers, Harbours, or Bays of this Colony, nor any other Person, Shall fire any gun, or beat any Drum after Eight of the clock at night, under penalty of Twenty Shillings for every Gun so fired, or Drum beaten, to be Levied by Warrant as afore directed from the chief officer of the Regiment next adjoining, not under the degree of a Captain, who is hereby Impowered to have Jurisdiction thereof, and to Administer an Oath, and give Judgment thereupon, and to direct distress & Sale of the Offenders goods, and for want of Such Distress, the Said chief officer is Impowered, to Commit Such offender to Goal there to remain until Payment be made of the Same, And the Captain, Commander, or Master of any Vessel from whence Such Gun or Guns shall be fired shall be deemed and understood to be the offender in this Respect, and in case

the Chief Officer of the Regiment, or Captain aforesaid, shall not perform his duty herein, He shall Forfeit Three pounds, to be Levied by Warrant from the Captain General or Commander in Chief for the time being.

AND be it further Enacted that all Drummers and Trumpeters lately in Service, or that shall be put in Service by the Several Captains during pleasure, shall Serve for the Salary of Forty Shillings per annum for a Trumpeter, and Twenty Shillings per annum for a Drummer finding their Trumpet or Drum, and Twenty Shillings for a Trumpeter, and Ten Shillings for a Drummer if the Captain do provide the Drum or Trumpet, and each Drummer or Trumpeter refusing to Serve to forfeit Forty Shillings, to be Levied in manner aforesaid. Always Provided that all the Members of his Majesties Council, and Members of the General Assembly, Justices of the Peace, High Sheriff's Coroners, and other civil Officers of his Majesties Government in this Colony, and all other officers OF Courts, Ministers of the Gospel, School Masters, Physitions & Surgeons One Miller to Each Mill Ferryman and Persons Employed in Furnaces for making of Iron shall be free from being Listed in any Troop or Company within this Colony, & neither this Act, nor anything therein contained, Shall be taken or construed to allow any Indian or Negro Slave to be Listed, or do any Duty belonging to the Militia in this Colony.

BE it Enacted by the Authority aforesaid That no Commission officer of the Militia of this Colony, Legally Superceeded, Shall afterwards be obliged to do the Duty of a Private Soldier, unless he be Cashered for Cowardice by a Court Martiall or for Some other notorious Offence, nor Shall it be in the Power of any Commission Officer to throw up, or quit his Commission, unless he is Superceeded in his Rank, until he has Served in Commission Fifteen years at the Least anything in this Act to the Contrary thereof notwithstanding.

BE it Enacted by the Authority aforesaid, that no Military Commission Officer as well of Foot Companies or Troop of Horse whither Regimented or Independant, as likewise the Troopers in the City and County of New York, shall be Lyable or Subject to Serve as Constable th'o chosen any Law or usage to the Contrary notwithstanding, PROVIDED nevertheless that a Commission Obtained by any Person after he is Elected Constable shall not Entitle him to the Exemption before Mentioned.



AND WHEREAS upon certain Emergencies it may be found necessary to keep Military Watch and Ward in Some part or parts of this Colony, BE it Enacted by the Authority Aforesaid that wheresoever Such Emergencies Shall make it necessary to keep a Military Watch for a Longer time, than the Space of Fourteen Days in the City and County of Albany (notwithstanding the Several Exceptions herein before Mentioned) All persons able to bear Arms, Living within the Said City & County of Albany (Ministers of the Gospel, Doctors of Physick and Surgeons only Excepted) Shall in their Turns upon Due warning be obliged to Serve upon Such Military Watch on Penalty of Six Shillings for every default or Neglect, to be recovered from each and every Such Defaulter or Defaulters, and upon non payment thereof to be Levyed by Distress upon his or their goods and chattels in like manner as other Fines are by this Act directed to be Distrained for, Provided nevertheless, that it Shall & may be Lawfull for any Person or Persons whatsoever obliged to Serve upon Such Military Watch, to put a well armed man in his or their Room, who if approved of by the Captain of the Guard Shall Supply his or their absence, but Commission Officers in their Turns shall always be obliged to mount Such guard in their proper Persons under the Penalty of Twenty Shillings for each neglect to be recovered & applied in manner aforesd.

AND Whereas upon an Invasion, Insurrection or other Emergency it may be found necessary to keep a Military night Watch in the City of New York. Be it further Enacted by the Authority Aforesaid, that when and so often as Such necessity Shall happen during the Continuance of this Act, all Persons residing in the Said City (Ministers of the Gospel Doctors of Physick and Surgeons only Excepted) Shall be and hereby are obliged upon due warning, to watch in their Respective Turns either Personally, or by providing an able man in his or their Stead, at his or their Election, and upon failure thereof all & every the Person or Persons making Such Default, Shall be Subject and Lyable to the like Fines as in this Act is Inflicted on Inlisted Persons for Such Default, to be Recovered, Levyed & applied in the Same manner as in this Act is directed any thing therein to the Contrary notwithstanding.

AND be it further Enacted by the Same Authority that all Persons Shall be and hereby are obliged to be furnished with the like Arms and quantity of Ammunition which in this Act is

directed, that Inlisted Men Shall be Furnished with, and be Lyable to the Same Examination upon the Penalties aforesaid, to be recovered Levyed and applyed in manner as aforesaid PROVIDED always that Nothing in this Act Shall Extend or be Construed to Extend to the Members of his Majesties Council the Clerk of the Council or his Deputy or their Domestick Servants Any thing in this Act Contained to the Contrary notwithstanding.

AND that Allarms from Sea may be soon conveyed, BE it Enacted by the Same Authority, that the Beacons already Erected by Virtue of a former Act, Shall be kept up, To wit one on the Western part of Rockaway, one other at the Narrows on the Island of Nassau and one other Opposite to it on Staten Island, and the respective Collonels of the Places aforesaid, Shall be and hereby are Obliged, to have due care taken of them, as likewise to appoint proper Persons Living near the Said Beacons, to Set the Same on Fire, upon the Sight or appearance of Seven or a greater number of Ships, and when the Allarm is given by one, the others are also Immediately to be Set on Fire, to the End an Alarm may be conveyed to New York in the Speediest Manner, and when the Said Beacons are so consumed, others are Immediately to be Erected by the respective Collonels above Mentioned, ALWAYS PROVIDED that nothing contained in this Act, shall Lessen or abridge the Several Liberties & Exemptions which are allowed and granted to the Fire Men of the City of New York, in and by an Act, Intituled an Act for the better Extinguishing Fires which may happen in the City of New York passed in the Eleventh year of his present Majesties reign

AND be it further Enacted by the Authority aforesaid that during THE Continuance of this Act not only in Cases of Alarm, but likewise in all Such other Sudden Emergencies as may require any part of the Militia to come into Arms, the Captain or Captains of the Company or Companies, where Such Emergencies may happen, Shall and hereby is & are fully Impowered to call his or their Company or Companies Immediately into Arms, and not only to march them to the Place or Places where their Service is most required, but Likewise to Employ them in Keeping of a Military Watch, and in the meanwhile to give the Speediest Intelligence thereof to his or their Collonel, or Lieutenant Collonel, or to the Captain General and Commander in Chief for the time being and upon receiving directions from



their Said Superior Officers, They are Either to Continue their Said Companies under Arms, or in keeping the Said Watch, or to discharge the Same, as the Said Superior Officer or Officers Shall order and Direct, whether the Company is then Discharged or not, anything herein contained to the contrary thereof notwithstanding.

AND be it further Enacted by the Authority Aforesaid, that all the Commission Officers of the Regiment of New York, the Commissioned Officers of the Independant Companies, and the Commission Officers of the Artillary Company, Shall wear their Swords every Sunday during the Continuance of their Commissions, under the Penalty of Ten Shillings for every Such Neglect, which forfeiture, Shall be recovered & applied in manner aforesaid

BE it Enacted that nothing in this Act contained shall be Intended or Construed, to Derogate from or in any wise Lessen or diminish the Powers or Authority Lodged and Vested in any Captain General and Commander in Chief for the Time being by his Majesties Letters Patent, Commission or other Power whatsoever, any thing in this Act contained to the Contrary thereof in any wise notwithstanding.

BE it Enacted by the Authority aforesaid that if any Person or Persons Shall be Sued, Molested, or Impleaded, for any matter or thing Lawfully done & commanded in the Execution & Performance of this Act, He or they shall plead the General Issue, and give this Act in Evidence, and if the Plaintiff discontinue his Action, be nonsuited, or Verdict pass against him, the defendant shall recover Treble Costs, nor shall any Such Suit or Suits be admitted or allowed to be brought, unless it be done within Three months next after the offence is committed.

AND be it Enacted by the Authority aforesaid, That if any Navall Force Should make an Attempt upon the City of New York And there should not be a Sufficient Quantity of Gun powder belonging to the Government for the Use and defence of the Fortifications there Shall By Order of the Governour or Commander in Chief Or in Case of his Absence from the said City By Order of the Lieut. Governour if present Or in his absence by Order of the Members of his Majesties Council then residing there be Purchased or Impressed by the field Officers of the Regiment of the City of New York for the time being, so much Powder as upon Such an Event may be Requisite & necessary to make a vigorous defence, & Such part thereof as upon

Such an Emergency Shall be Expended, the General Assembly Shall & will provide ways & means fully to pay for the Same at the then Current Price.

BE it Enacted by the Same Authority that this Act Shall be of Force from the first of December one Thousand Seven Hundred & Forty Three To the first of December one Thousand Seven Hundred and Forty four.

[CHAPTER 748.]

[Chapter 748, of Livingston & Smith and Van Schaack, where the act is printed in full.]

'An Act for the more Speedy Recovery of Legacies within this Colony.

[Passed, December 17, 1743.]

WHEREAS the Methods heretofore made use of for the Recovery of Legacies in this Colony, have been Tedious & Expensive to the great Hurt and Loss of many of the good People of this Colony, for Remedy thereof.

BE it Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, that from & after the Twenty Fifth day of March next, It shall & may be Lawfull for any person or persons whatsoever to whom any Legacy or Bequest of any Sum or Sums of Money, or other personal goods, or Chattels or any Residuary Estate have been or may be given by the Last Will & Testament of any other person or persons legally made, to commence, Sue or Prosecute an Action of Debt, Detinue or Account as the Case may happen for Such Legacy after it becomes due; If it amount to the Value of Twenty Pounds or upwards, in the Supreme Courts of this Colony, or any other Court of Record; and if under Twenty Pounds, in any of the Courts of Common Pleas in any of the Counties of this Colony in which Action or Actions so to be commenced if it shall appear that the Legacy or Legacies are due; and there be sufficient Assets in the hands of the Executors to discharge the just Debts of the Testator, and the Legacy or Legacies bequeathed, the Plaintiff or Plaintiffs Shall recover with Cost of Suit, any Law, usage or Custom to the Contrary notwithstanding. But in case there Shall be Assets to discharge all the Debts of the Testator, with an overplus, not amounting to a Sum Sufficient to discharge all the Legacies that may be given, then an Abatement shall be



made in Proportion to the Legacies so given; And where any Legatee or Legatees are or may be under age at the time when Such Legacy or Legacies shall become due, in Such case Such Legatee or Legatees Shall and may maintain an Action for their respective Legacies so given by Guardian or next Friend as fully & amply as by Law they may do in any other Actions whatsoever.

AND be it further Enacted by the Authority Aforesaid that the respective Courts where the said Actions may be Commenced, upon the Plea of want of Assets to pay all the Debts and all the Legacies, Shall appoint Auditors to Examine the Accounts of the Executors, which Auditors after full hearing thereof, at Such time or Place, or times & Places as by them shall be Appointed with notice to the Executors & Plaintiffs or their respective Attorneys, Shall report how the Accounts of the Executors do stand, and how much Assets will remain after payment of the whole Debt, and what part of the Remainder is the Proportion that ought to go towards paying of the Plaintiffs Legacies, for which Proportion only the Court shall then award Execution upon the Judgement to be had in the Said Suit, which Judgement Shall remain a Security for Payment of the Remainder of the Said Legacies and Costs, when Sufficient Assets for Payment thereof come to the Executors Hands; which Court is also hereby Impowered upon Exception of either Party, & hearing of the Parties, to correct & Amend any Mistakes or Errors that may happen in the Accounts so reported.

AND be it further Enacted by the Authority aforesaid, that the said Courts upon Consideration of the Report of the Accounts of the Executors, Shall According to Justice & Equity, Either Award Costs or no Costs, out of the Testators Estate, or in case the Executors have been faulty in delaying to Pay the Legacy DEMANDED, or a proportional Part thereof without Sufficient Excuse, then out of the proper Estate of the Executor or Executors any thing herein contained to the contrary notwithstanding.

PROVIDED always that no Such Suit as aforesaid Shall be maintained for any Such Legacy or Bequest, until reasonable Demand made of the Executor or Executors who ought to pay the Same & an offer made of two Sufficient Sureties to the Said Executor or Executors, who, if they think proper to Accept thereof, shall become bound to them the Said Executor or Executors, in Double the Sum of the Said Legacies, with con-

dition that if any part or the whole thereof Shall at any time after appear to be wanting to discharge any Debt or Debts, Legacy or Legacies which the Said Executor or Executors may not have other Assets to Pay, that then & in Such Case, He the Said Legatee will return his Said Legacy, or Such part thereof as may be necessary for the Payment of the Said Debts or for the payment of a Proportional part of the Said Legacies, and if the Said Executors should not think proper to Accept thereof, then the Said Legatees Shall file Such bond in Court before obtaining any Process against the Said Executor or Executors, otherwise the Same Process shall abate, Provided also, than where there are or may be Several Legatees, & a Return of part of the Said Legacy Shall afterwards appear Necessary, in Such Case each Legatee Shall only be compelled to return a Proportional Part of his Legacy, so as to make up the whole Sum wanting.

AND be it further Enacted by the Authority Aforesaid that where no time in & by any Last will & Testament is Limited for the Payment of any Such Legacies, that then & in Such Case the Said Executor or Executors Shall have the Space of one year to discharge the Same, any Law, Usage or Custom to the Contrary notwithstanding.

BE it further Enacted by the Authority aforesaid that this Act Shall be Construed & taken to Extend to all Persons to whom Letters of Administration have been or shall be granted with a Will anex'd as fully to all Intents, Constructions & Purposes whatsoever as if it had been particularly provided for in the body of this Act.

AND be it further Enacted by the Authority aforesaid that all Persons whatsoever who have or may have any Right to a Share or Shares in the Estate of any Intestate, shall have the like Remedy against Administrators for the Recovery of the Said Share or Shares, as by this Act is given to Legatees against Executors, and be under the Same Rules & Regulations any Law, usage or Custom to the Contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid That all lawfull Acts done or to be done bonafide by any Administrator before Notice of a Will And all Sales of Goods and Chattels made by such administrator Bonafide before such Notice shall remain Good and Shall not be Impeached or altered by any Executor or Executors on such Will appearing afterwards PROVIDED always that when at any Time after such



Will shall appear the Executor or Executors shall have the same Remedy against such Administrator or Administrators for the Goods and Chattels Rights and Credits remaining unadministred as He She or they might have had before the making of this Act.

[CHAPTER 749.]

[Chapter 749, of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 25, 1744.]

An Act for the Relief of Insolvent Debtors  
in the Colony of New York, with respect to the  
Imprisonment of their Persons.

[Passed, December 17, 1743.]

WHEREAS many Persons by Losses & other misfortunes are Rendered Incapable of Paying their whole Debts, And though They are willing to make the utmost Satisfaction they can, are nevertheless detained in Prison by their Creditors, And whereas such unhappy Debtors have allways been deemed the proper objects of Publick compassion Therefore for Relief of Such Prisoners who Shall be willing to Satisfie their Creditors as far as they are Able.

BE it Enacted by the Governour, Council & General Assembly & it is hereby Enacted by the Authority of the Same, That if any Person or Persons now Charged in Execution, or having been Committed for the Space of Three months or Longer upon a Capias for any Sum or Sums of Money, not exceeding in the whole the Sum of One Hundred pounds currant money of this Colony from and after the Twenty fifth day of December in this present year one Thousand Seven Hundred & Forty Three, Shall be minded to deliver up to his her, or their Creditors, all his, her or their Effects towards the Satisfaction of the Debts where-with, He, She or they Stand charged, it shall & may be Lawfull for Such Prisoner to Exhibit a Petition to any of the Courts of Law within this Colony, (or to any one Judge and Three Assistants thereof,) from whence the Process Issued, upon which He, She or they was or were taken or charged in Execution, or other process as aforesaid, Certifying the Cause or Causes of, his, her, or their Imprisonment, and an Account of his, her, or their whole real & Personal Estate, with the Dates of the Securities, wherein any part of it Consists, and the Deeds or notes relating thereunto, & the names of the Witnesses to the

same, so far as his, her, or their knowledge Extends thereto AND upon Such Petition the Court (or Judge & Three Assistants) may and are hereby required by Rule of Court, (or order of the Judge & Assistants) to cause the Prisoner to be brought before them, and the Several Creditors at whose Suit or Suites, He, She, or they Stand Charged as aforesaid, and all other his, or her Creditors, That are or can be known to the Court, (or the Judge & Assistants) to be Summoned to Appear Personally or by their Attorneys, at a day to be appointed for that Purpose, and upon the Day of Such Appearance, if any of the Creditors Summoned, refuse or neglect to Appear upon affidavit made of the due service of such Rule or Order, or upon Affidavit made that the Creditor or Creditors are not to be found, the Court (or the Judge & Assistants) Shall in a Summary Way Examine into the Matter of the Said Petition, and hear what can or Shall be Alledged on Either Side for or against the Discharge of Such Prisoner, and upon Such his Examination the Court (or the Judge & Assistants) may & are hereby required to Administer or Tender to the Prisoner an oath or Affirmation to the Effect following which Oath or Affirmation the Said Court (or Judge & Assistants) are hereby Impowered to Administer, I. A. B. do Solemly Swear in the Presence of Almighty God (or Being of the people called Quakers Sincerely & Truely Declare & Affirm) That the Account by me delivered in my Petition doth contain a full & true Account of all my Real & Personal Estate, Debts, Creditts & Effects whatsoever which I or any in Trust for me, have, or at the time of my Petition, had, or am or was in any Respect Intitled to, in Possession Remainder or Revesion Except the wareing Apparel, and Bedding for me & my Family, AND the Tools or Instruments of my Trade or Calling, not Exceeding Ten pounds in Value in the whole, and that I have not at any time Since my Imprisonment, or before, directly or Indirectly, Sold, Leased Assigned or Otherwise Disposed or made over in Trust for my Self or Otherwise, other than is Mentioned in Such Account any part of my Lands Estate, Goods, Stock, Money, Debts, or other Real & personal Estate, whereby to have or Expect any Benefit, or Profit to my Self, or to Defraud any of my Creditors to whom I am Indebted.

And in case the Prisoner Shall in open Court, or before a Judge and Assistants take the Said Oath or Affirmation & upon Such Examination, and his, or her, taking the Said Oath or,



Affirmation, the Creditors Shall be Satisfyed with the Truth thereof, the Court or the Judge & Assistants, may Immediately order the Lands, Goods & Effects contained in Such Account, or so much of them as may be Sufficient to Satisfy the Debts wherewith, He, or She is or shall be charged Together with Costs of Suit, and the Fees due to the Keeper of the Goal or Prison, from which the Prisoner was brought, to be by a Short Indorsement on the back of Such Petition Signed by the Prisoner, Assigned to the Said Creditors, or one, or more of them in Trust for the rest of Them, or to Some proper person to be by the Said Court, or by the Judge & Assistants appointed in Trust for all the Creditors, And by Such Assignment, the Estate, Interest & Property of the Lands, Goods, Debts & Effects so Assigned, Shall be vested in the Person or Persons to whom Such Assignment is or shall be made, who may take Possession of or Sue for the Same, in his, or their own name OR Names in like manner as assignees of Commissions of Bankrupt, to which Suit no release of the Prisoner, his or her Executors or Administrators or any Trustee for him or her Subsequent to Such Assignment Shall be any Barr. AND Immediately upon Such Assignment Executed the Said Prisoner, Shall be Discharged out of Custody by Order of Court, or of the Judge and Assistants, and Such order Shall be a Sufficient warrant to the Sheriff, Goaler or Keeper of Such Prison to discharge the Said Prisoner if detained for the Causes mentioned in Such Petition & no other, and he is hereby required to discharge & Set him at Liberty forthwith without Fee, nor Shall Such Sheriff or Goaler be Liable on any Action of Escape or other Suit or Information upon that Account, And the person or persons to whom the Said Effects Shall be Assigned paying the Suit Such Prisoner was Charged in Execution, or in Custody the Party discharged was, shall & are hereby required to Divide the Effects so Assigned among the Creditors, and all the Persons for whom they Shall be Intrusted in Proportion to their Respective Debts, but in case the person or persons at whose Suit Such Prisoner was Charged in Execution, or in Custody upon other Process, as aforesaid, or any other Creditors Shall not be Satisfyed with the Truth of Such an oath or Affirmation, but shall desire farther time to Inform himself of the Matters contained therein, the Said Court or the Judge & Assistants may & Shall remand the Said Prisoner, & direct the said PRISONER and the Person or Persons dissatisfyed with Such Oath or

Affirmation to appear at another Day to be appointed by the Said Court, or the Judge & Assistants, and if at Such Second day so to be Appointed the Creditor or Creditors Dissatisfied with Such Oath or Affirmation Shall make default in appearing, or in case He, or they Shall appear, but shall be unable to Discover any Estate or Effects of the Prisoner omitted in Such his or her Petition, or to Shew any Probability of his or her having been forsworn, or to have declared falsely in the Said Oath or Affirmation, Then the Said Court, or the Judge and Assistants, Shall Immediately cause the Said Prisoner to be Discharged upon Such Assignment of his or her Effects in manner as aforesaid, unless Such Creditor or Creditors, do Insist upon his or her being detained in Prison, and do agree by writing under his hand, to pay and allow any Sum of money that Shall be Assessed by the Said Court or by the Judge and Assistants not Exceeding Three Shillings per week, unto the Said Prisoner to be paid the Monday of every week so long as he or shee Shall continue in prison at his, her or their Suites, on failure of the Payment of which weealy Sum at any time, the Said Prisoner shall forthwith, upon Application to the Court or to the Judge & Assistants, be discharged by Such order as aforesaid, But in case the Said Prisoner Shall refuse to take the Said Oath or Affirmation, or having taken the Same, Shall be detected of falsity therein, He or she Shall be presently remanded.

AND be it further Enacted by the Authority aforesaid that no PERSON to be Discharged by this Act, Shall at any time hereafter be Imprisoned by reason of any Judgment or Decree obtained for payment of money only, or for any Debt, Damages, Costs Sum or Sums of money contracted, Occured, Occasioned, owing or growing due, before the time of his or her discharge, but that upon Every Arrest, every Such Judgement or Decree for Such Debts, Damages, Contempts, Cost Sum or Sums of Money, It shall & may be Lawfull for any Judge of the Court, where the Process Issued, upon shewing the Duplicate of Such Prisoners discharge or Discharges, to release & discharge out of Custody Such Prisoner or Prisoners as aforesaid, and the Judge is hereby Impowered so to do, so as every Such Prisoner or Prisoners, arrested or detained upon Execution or other Process as aforesaid, do give a Warrant of Attorney to Appear to every Such Action & Plead thereunto.

AND be it further Enacted by the Authority aforesaid that if any Action of Escape, or any Suit or Action be brought



against any Sheriff, Goaler or keeper of any Prison for performing their office in pursuance of this Act, They may plead the General Issue and give this Act in Evidence, and if the Plaintiff be non Suited or discontinue his Action, or verdict pass against him or Judgement upon Demurer, the Defendant shall have Treble Costs, Provided that the Discharge of any Person by virtue of this Act, Shall not acquit any other Person from Such Debts, Sum or Sums of money or any part thereof, but that all others shall be answerable for the Same in such manner as before the passing of this Act, and Provided that this Act shall not Extend to discharge any Person out of Prison who shall Stand chargeable at the Suit of the Crown only.

PROVIDED always and be it further Enacted by the Authority aforesaid, that notwithstanding the discharge of the Person of Such Prisoner or Prisoners as aforesaid, all & every Debt or Debts due & owing from the Said Prisoner or Prisoners, and all & every Judgment or Judgments had & taken, & Decree obtained against him or her, Shall Stand & be good & Effectual in the Law, to all Intents & Purposes against the Lands, Tenements, Hereditaments goods & Chattels of the Said Prisoner so discharged as aforesaid, which he, she or they or any Person or Persons in Trust for him, her or them at the time of Such Discharge hath or have, or at any time hereafter, Shall or may be in any wise Seized or Possessed of, Interested in or Intituled to, either in Law or Equity, Except his, her or their wearing Apparel, Bedding for his, her or their Familys, and working Tools & Implements Necessary for his, her or their Occupations not Exceeding the Value of Ten pounds in the whole, And it Shall & may be Lawfull to & for Such Creditor or Creditors of Such Prisoner or Prisoners so discharged as aforesaid, his, her or their Executors or Administrators, to take out a new Execution against the Lands Tenements, Hereditaments, Goods & Chattels of Such Prisoner or Prisoners (Except as before Excepted) for the Sattisfaction of his, her or their Debts in Such Sort manner & form as he, she or they might have done if the person or persons of Such Prisoner or Prisoners had never been taken in Execution, or other Process as aforesaid, any Act, Statute, Law or Custom to the Contrary in any wise notwithstanding.

PROVIDED also & be it further Enacted by the Authority aforesaid that if any Such Person who Shall take Such Oath or Affirmation as AFORESAID Shall upon any Indictment for

Perjury in any matter or Particular contained in the Said Oath or Affirmation be convicted by his or their own confession, or by Verdict of Twelve men, as he, or She may be, by force of this Act, the person so convicted, Shall Suffer all the pains & forfeitures which may by Law be Inflicted on any Person convicted of willfull Perjury, and shall likewise be Lyable to be taken on any Process De Novo & Charged in Execution for the Said Debt in the Same manner as if he, or she, had never been Discharged or taken in Execution before, and shall never after have any benefit of this Act

PROVIDED also and be it further Enacted by the Authority aforesaid that if the Effects so Assigned, Shall not Extend to Satisfy the whole Debts due to the Creditors of the Person or Persons so discharged and the Fees due to the Goaler, there shall be an Abatement in proportion, & such Goaler shall come in as a Creditor for what shall be then due to him, for his fees in proportion with the other Creditors

AND be it further Enacted by the Authority aforesaid that where there are mutual Debts between the Debtor & Debtors & his, her & their Creditors, or if Either party, Sue or be Sued as Executor or Administrator where there are any Mutual Debts between the Testator or Intestate & Either Party, one Debt shall be Set against the other & Such matter may be given in Evidence upon the General Issue, or pleaded in Barr, as the nature of the case shall require, So as at the time of the pleading the General Issue where any Such Debts of the Plaintiff, his Testator or Intestate is Intended to be Insisted on in Evidence, notice shall be given of the Particular Sum or Debts so Intended to be Insisted on, and upon what Account it became DUE otherwise Such matter Shall not be allowed in Evidence upon the General Issue, Provided that where any rent Shall be due from any Prisoner or Prisoners at the time of his or their respective discharges no goods or Chattels then Lying or being in or upon the respective Tenements or Lands so in Lease, or Lyable to be distrained, Shall be Removed or Disposed of without the Consent of the Landlord or Person to whom the rent is due, until the Same be paid or Satisfyed, and that the Landlord may use all Lawfull ways for the having & recovering his Rent so as that the Same Exceed not one years rent, by distress or otherwise as he might have had or could have done before the making of this Act any thing Herein contained to the Contrary in any wise notwithstanding and Provided also that this Act



Shall not Barr any absent or Distant Creditor who had not notice of the Prisoners Application to the Court or the Judge & Assistants as aforesaid.

AND be it further Enacted by the Authority aforesaid that this Act Shall be of Force from the Twenty fifth of December Instant to the Twenty fifth day of December, which will be in the year of our Lord one Thousand Seven Hundred & Forty four.

[CHAPTER 750.]

[Chapter 750, of Livingston & Smith and Van Schaack, where the title only is printed. Expired June 1, 1746.]

An Act to prevent Firing the Woods in  
Suffolk County Dutchess County, and Mannor  
of Livingston.

[Passed, December 17, 1743.]

WHEREAS by Experience Firing the Woods in Suffolk County Dutchess County, & Mannor of Livingston in the County of Albany, is found very Prejudicial & dangerous to the Inhabitants thereof.

BE it therefore Enacted by his Excellency the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the Same, That from & After the Publication of this Act, If any Person or Persons whatsoever, Shall Fire the Woods within the Counties or Mannor aforesaid, at any Time whatsoever, & be thereof Convicted, Such Person or Persons Shall Forfeit the Sum of Five pounds for every Such offence to be recovered before any one Justice of the Peace of the County where the Offence is Committed, who is hereby Impowered to take Cognizance of the Same, one half thereof for the use of the Poor of Said Place and the Other half to the use of the Informer, to be Levied by Distress & Sale of the offenders Goods, by Warrant under the hand & Seal of the Justice before whom Such Conviction was made, which Warrant Said Justice Shall have Power likewise to make Seal & grant, and where Distress cannot be made upon the offender or offenders Goods in this behalf that then it Shall & may be Lawfull for the said Justice to Commit Such Offender or Offenders to Prison, there to Remain without Bail or main Prize for the Space of Three Months from the time of Such conviction, Unless the Said Forfeiture be Sooner Paid.

AND be it Enacted by the Authority Aforesaid That if any Person or Persons, Shall presume to Fire the Woods at any time after the Publication of this Act, whereby any Person or Persons are Damnified, the Person or Persons so Firing the Woods Shall pay all Damage done unto any Person or Persons so Injured if Forty Shillings or under to be recovered by Action of Debt before any one Justice of the Peace and if above Forty Shillings to be recovered by Action of Debt in any Court of Common Pleas within this Colony with Costs of Suit.

AND be it Enacted by the Authority Aforesaid that neither this Act, nor any thing therein contained, Shall be taken or Construed to hinder any Person or Persons from Firing the Woods upon his or their own Inclosed Land, Provided Such Person or Persons do not Suffer the Said Fire to Run off the Same upon Penalty and Pain of paying the Forfeiture & Damages aforesaid.

AND be it Enacted by the Authority aforesaid that in case any Person or Persons Shall discover the Woods in the Counties or Mannor aforesaid being on Fire, Such Person or Persons is and are hereby fully & absolutely Impowered & Authorized to require and Command all or any of the neighbouring & adjacent Inhabitants to aid & assist him or them or Either or any of them as Shall happen to be near unto or discover the Said Fire as aforesaid in Extinguishing & Putting out the Same with all Possible care and dilligence, & all or any Person or Persons whatsoever that shall (without A Lawfull Excuse or Impediment to be Judged of by two Justices of the Peace of the County, where the Same Shall happen) Refuse, Neglect or Delay to help & assist the Person or Persons so requiring & Commanding as aforesaid to Extinguish the Said Fires as aforesaid Shall Forfeit the Sum of Six Shillings, currant money of New York each for every Such Refusal, Neglect or Delay, to be Recovered and disposed of as aforesaid.

BE it Enacted by the Authority Aforesaid that this Act Shall be & remain of Force from the Publication thereof, until the first day of June, which will be in the year of our Lord, one Thousand Seven Hundred & Forty Six.



Holders of the Said Neighbourhood and the Several Tracts of Land, Shall be and are hereby made Lyable to Serve for Supervisor, Assessor, Collector, Constable or overseer of the Poor if Elected by the Majority of Voices, under the like Restrictions, and the Same Fines & Forfeitures as the Other Supervisors Assessors & Collectors of the Several Towns of Said County are Lyable to. AND the high Land Precinct is to be bounded to the Eastward by Hudsons River, to the Southward by the Line dividing the Counties of Ulster & Orrange, to the Westward by the Wallkill Shawangoungh & Neighbourhood Annexed to the New Palts, and to the Northward by the bounds or Line of the New Palts Town.

AND be it Enacted by the Authority Aforesaid, that the Said Three Precincts, called the Wallkill Precinct, Shawangoungh Precinct & HIGH Land Precinct, hereby Shall each have power yearly and every year to Elect one Supervisor & all other Officers, and shall have all other Previlidges as any other Precinct or Precincts have within this Colony, and because the Wallkill River, which Crosses through the Said Wallkill Precinct is Sometimes dangerous to Pass Said Wallkill Precinct shall have one Collector, one Assessor, and one Constable for that part thereof which Lyeth to the Westward of the Said Wallkill River, and another Collector, another Assessor, another Constable for that part thereof which Lyeth to the Eastward of Said Wall kill River.

AND be it Enacted by the Authority aforesaid that the Freeholders and Inhabitants of the Wallkill precinct aforesaid, Shall annually meet at the now Dwelling house of Matties Millsepagh on the first Tuesday of April yearly, for Electing the Officers belonging to that Precinct until Such times as the Majority of the Freeholders and Inhabitants at any one Such Meeting Shall agree upon Some other certain Place of meeting for the following year, which Place being so agreed on shall remain the Place of meeting yearly until altered as aforesaid.

AND be it Enacted by the Authority Aforesaid that the Freeholders and Inhabitants of Shawangoungh Precinct Shall Annually meet at the House of Benjamin Smedes Jun: on the first Tuesday of April yearly for Electing the Officers belonging to that Precinct, until such times as the Majority of the Freeholders and Inhabitants at any one Such meeting, Shall agree upon Some other Certain Place of meeting for the following Year, which Place being so agreed upon Shall remain the Place of meeting Yearly until altered as aforesaid.

AND be it Enacted by the Authority Aforesaid, that the Freeholders and Inhabitants of the High Land Precinct aforesaid, shall annually meet at the now Dwilling House of John Humphry, Junr. on the first Tuesday of April for Electing the Officers belonging to that Precinct, until Such times as the Majority of the Freeholders & Inhabitants of any one Such meeting Shall agree upon Some other certain place of meeting for the following year, Which Place being so agreed on, Shall remain the place of meeting yearly Until altered as aforesaid.

BE it Enacted by the Authority aforesaid that the Said Supervisors, Collectors, Assessors, Constables & other Officers of the Said Precincts, Shall have like Powers & Authorities and be Subject to the like Rules, Regulations and Penalties, as are by Law prescribed for any other Such Officers respectively in any other Towns in Said County.

AND be it Enacted by the Authority Aforesaid, that the Freeholders & Inhabitants of the Corporation of Kingston & Mannor of Foxhall are hereby Impowered to Elect & choose one Additional Supervizor for the Corporation of Kingston & Said mannor of Foxhall, at the Same time, and in the Same manner as the other Supervizor of the Said Corporation is Elected, and the Said Supervizor, Shall have the Same Power & be under the like Fine & Penalties as the other Supervizor of the Said Corporation, And that the Freeholders & Inhabitants of the Mannor of Foxhall, Shall & are hereby Impowered to choose and be Chosen in Conjunction with the Freeholders & Inhabitants of the Corporation of Kingston the two Supervizors aforesaid.

BE it Enacted by the Authority aforesaid, That all the LAND to the Southward of the Town of Rochester, as far as this County of Ulster Extends, and to the Westward of the Wallkill Precinct and Shawangoungh Precinct as far as the Said County Extends, Shall be and is hereby Erected into a Precinct by the name of Mame Kating Precinct and that the Freeholders & Inhabitants of Mame Kating Precinct aforesaid Shall Yearly Elect one Constable, Two Assessors, Two overseers of the Poor & two Surveyors of the high ways, which Said officers Shall have the Same Power & be Lyable to the Same Fines & Forfeitures as the Like officers of the Several Towns, Mannors & Precincts in the Said County are Impowered with & Lyable to, And that the Freeholders & Inhabitants of Mame Kating Precinct aforesaid, Shall annually meet at the now dwelling House of Samuel Swartwoudt on the first Tuesday in April yearly for the Electing



of the Officers aforesaid, until Such time as the majority of the Freeholders & Inhabitants at any one Such meeting Shall agree upon Some other Certain place of meeting for the following year, which Place being so agreed on, Shall remain the Place of meeting yearly until altered as aforesaid, and that the Freeholders and Inhabitants of Mame Kating, Shall have the Priviledge to joyn with the Freeholders & Inhabitants of Rochester to, Choose yearly one Supervizor and Shall be Lyable to Serve for Supervizor if Elected.

AND be it Enacted by the Authority Aforesaid, that every Supervizor within the Said County, Shall yearly & every year, before he Enters on his Office take the following Oath, before any one of his Majesties Justices of the Peace for the Said County, who is hereby Authorized & Required to Administer the Same & give a Certificate under his hand & Seal of having Administered Such oath, which CERTIFICATE Shall be filed with the Clerk of the Supervizors at the first meeting of the Supervizors. I, A. B. do swear I will not pass any Account or any Article thereof where with I do not think the County justly Chargeable, nor will I disallow any Account or any Article thereof wherewith I think the County Justly chargeable, So help me God.

AND be it further Enacted by the Authority Aforesaid that the Supervizors for Said County, or the greatest part of them, Shall Annually meet at the County House in Kingston in Said County, or at Such Convenient place in Said Town, as they or the major part of them, shall think fit on the first Tuesday in October, and at Such other times as the Said Supervizors Shall Judge & find Necessary & Convenient, to Examine and compute all Such Publick Necessary & Contingent Charges, as they Shall find the Said County properly chargeable with, and all Such Sum & Sums of money as Shall be brought & Exhibited to or before them that have or shall be Imposed or Laid on the Same County by the Laws of this Colony.

AND for preventing abuses in Assessing, Be it Enacted by the Authority aforesaid, That the Supervizors, or the Majority of them Shall at Such meeting or meetings, Annually Issue out their warrants commanding the Assessors of each respective Town, Mannor & Precincts in the Said County, for the time being, and thereby order them to rate all the Estates, Real & Personal of all the Freeholders and Inhabitants of and in the Said Several Towns, Mannors and Precincts for which they are

Chosen respectively, That they return at Such time & place as by the Said Warrant shall be directed, a List under their hands of Every PERSON'S name with the full Sum of every Pound each Person is rated at, and the Several Assessors Shall first take the following Oath before any of the Justices of the Peace for the Said County, who is hereby Authorized and required to administer Such oath, vizt. I. A. B. do swear on the Holy Evangelist of Almighty God, that I shall return a List according to the best of my knowledge, to contain all the names of all the Freeholders & Inhabitants within the district for which I am chosen or appointed assessor, and that I shall, Well, truly, Equally, Impartially, & in due & equall proportion according to the best of my Skill & understanding, Rate all the whole Estates real & Personal the Unimproved Lands Excepted of all the Freeholders & Inhabitants of the respective Places, for which I am chosen or Appointed Assessor, and that I shall carefully according to the best of my Skill and understanding, compute the yearly Value of the Income of Such Estate, and for each Shilling, which I shall so Value Each persons Estate at yearly, I shall rate Such Person or Persons one Pound, So help me God, and the Said Supervizors are hereby required, to make the Quota of Each Respective Place according to the Total Sum of Each List returned as aforesaid & not otherwise, and the Clerk of the Supervizors Shall Transcribe Each List, and add to each Persons rate the Sum or Proportion each Person is to pay, of what the Supervizors find the County chargeable with, and when the Said Lists are Completed, the Said Supervizors or the greater Number of them are hereby Required to Issue their Warrants Commanding the Collector or Collectors of each Town, Mannor or Precinct to Collect & pay the Same as by the said Warrant Shall be directed.

AND be it further Enacted by the Authority aforesaid that the Several Clerks of the Freeholders & Inhabitants of Each Town, Mannor & Precinct Shall ANNUALLY within fourteen days after the Day of Election, Transmit to the Clerk of the Peace of Said County for the time being, a true List of all the several Officers names that have been Elected.

AND be it further Enacted by the Authority Aforesaid that the Town of Kingston & mannor of Foxhall, may Elect the additional Supervisor and the Precincts of the Wallkill, Shawangunk & high Lands may Each Elect a Supervisor within one month after the Publication of this Act



AND WHEREAS Shawangoungh, High Lands & Magaghemek have formerly been Deemed and Esteemed Three Precincts, and have for Several years Last past been Assessed by their own Assessors, but by reason of disputes that have arisen or for want of Assessing or Neglect of Collectors are become in Arrears both of Publick Taxes & the County Rates

BE it therefore Enacted by the Authority Aforesaid that the Freeholders & Inhabitants of Shawangoungh, High Lands & Magaghemeh, shall pay & make good all Such Taxes & Rates or the Arrears thereof, as they Ought to have paid for Four years last past and Shall be Assessed Collected Paid & Levied, in case of Refusal of Payment, on or before the first day of June, which will be in the year of our Lord one Thousand Seven Hundred & Forty four, in the Same method & manner as it was usually done before such dispute as Aforesaid did arise, anything in this Act to the Contrary thereof notwithstanding

AND be it further Enacted by the Authority aforesaid, that the Inhabitants of Shawangoungh Precinct are hereby Required and Obligated to work upon & keep the Kings Road in good Repair yearly as FAR as the Swinging Gate of the Widdow Elsie Hasbrouck, anything in this Act contained to the Contrary in any wise notwithstanding.

PROVIDED That nothing herein contained shall Extend to any Lands to the Southward of an East & West Line from Murderers creek to Delaware River known by the name of the Division Line between orrange and Ulster County.

[CHAPTER 752.]

[Chapter 752, of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act to Enable the Inhabitants of Goshan in the County of Orrange, to Elect two additional Constables at the Places therein Mentioned.

[Passed, December 17, 1743.]

WHEREAS the Inhabitants of the Precinct of Goshan in the County of Orrange, having by Act of the General Assembly Liberty only to Elect one Constable, And the Said Precinct being Since considerably Increased in Number of Inhabitants & Settlements, It is conceived necessary that their Liberty in this Respect should be Enlarged.

BE it therefore Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That from and after the Publication of this Act it shall and may be Lawfull to & for the Inhabitants of the Precinct of Goshan aforesaid, & they are hereby Impowered To Elect & choose Two Additional Constables more yearly, at the times already fixed for the Election of one Constable, one of which Constables to be Elected & chosen from & out of Such of the Inhabitants as have habitations in the South part of Goshan, commonly called Waweyanda, and the Other from & out of Such of the Inhabitants as have Habitations to the Northward near the meeting House commonly called the water Side meeting House any Law, usage, or Custom to the Contary in any wise notwithstanding.

[CHAPTER 753.]

[Chapter 753, of Livingston & Smith and Van Schaack, where the title only is printed. Continued by chapter 884.]

An Act for the better Clearing & further  
Laying Publick High Roads in the County of  
Ulster.

[Passed, December 17, 1743.]

'ALTHO' all or most of the Publick High Ways are already Laid out and ascertained in the County of Ulster, It may nevertheless be necessary to Lay out other high Roads in the Said County for the Conveniency of Carriage and Travellers.

BE it therefore Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, that the Persons hereinafter named Shall be & hereby are Appointed Commissioners to Regulate the high Ways, and to Lay out Such other Publick Roads as may Still be necessary, within the Said County of Ulster, and they & each of Them are hereby fully Authorized & Impowered to put in Execution the Several Services Intended by this Act, in Such Towns & Precincts only for which they Shall be Respectively named & appointed, that is to Say.

For the Township of the Corporation of Kingston, Collonel Gilbert Livingston Captain Johannis Tenbrook and Captain Tereck Dewit.

For the Township of Hurley, Dirck Winekoop Esqr. Mr. Anthony Crespel and Mr. Matties Lefever.



For the Township of Marble Town Mr. Thomas Jansen Mr. Peter Cantine and Captain Daniel Broadhead.

For the Township of Rochester Mr. Cornelis Vernoy, Mr. Egbert Dewit and Mr. Jacobus Depue.

For the Township of the New Paltz & neighbourhood thereto Annexed Mr. Samuel Bevier Mr. Solomon Hasbrouk & Mr. Cornelius Dubois.

For the Precinct of Shawangoungh, Mr. Jacobus Bruyn Junr. Mr. Benjamin Smedes Junr. and Mr. Isaac Hasbrouk.

For the Precinct of the Wall Kill Captain John Byard Mr. Johannes Miller & Mr. Johannes Newkerk.

For the Precinct of the High Lands Captain Thomas Ellisson Captain Alixander Colden & Mr. Zacharias Hofman Junr.

For the Precinct of Mamekating Mr. Mannel Gonsalis Dukes Junr. Mr. Peter Giemare and Mr. Jacob Middagh.

AND be it Enacted by the Authority Aforesaid that the Commissioners or the Major part of them, in the Respective Places for which they are named & appointed Commissioners, are hereby Impowered & Authorized to Regulate the Roads already laid out, and Lay out Such other Publick Roads in the Several Places for which they are Appointed Commissioners, as to them or the Major part of them Shall Seem Necessary & convenient and if need be, to take a Review of the Roads already laid out, & such of them as Shall appear to be Really Inconvenient the Said Commissioners Shall & may Alter the Same Provided all the Commissioners appointed for the Place Judge it absolutely necessary, and Lay out Such other Publick ways or Roads as they or the Major part of them Shall think most convenient, as well for Travellers as for the Inhabitants of the next Adjacent Towns, Precincts, Villages or Neighbourhoods Provided that nothing in this Act contained Shall Extend or be construed to Impower the Commissioners aforesaid, to alter any Road, that is already Commodious, nor to Lay out any Roads Through Inclosed or Improved Lands, without consent of the owners thereof, or Paying to them the True Value of the Lands so laid into an high way, and if any dispute Shall arise by that means, the Same Shall be Determined and the True Value Set & appraised by two Justices of the Peace, and by the Oaths of Twelve of the Principal Freeholders of the Neighbourhood not having any Interest in the Land about which Such Dispute may Arise, The Said Freeholders to be Summoned by THE High Sheriff of the Said County, by virtue of a Warrant to be Issued

by the Said two Justices for that Purpose, And If Said Roads by the Commissioners So Laid out, Shall be Publick Roads, and of Publick & general benefit, Then the Value of Such Cleared or Improved Lands Through which Said Roads Shall be laid out Shall be a Publick county Charge, and the Supervizors of Said County, are hereby directed to Allow the Same Together with the Charge of Calling a Jury, Their Verdict, and the whole Proceedings thereon had, but If Roads so laid out Shall be Private Roads, and for the Particular Conveniency of one or more Districts, Townships or Neighbourhoods then Such Private Persons, Townships, Districts or Neighbourhoods requiring the Same, Shall Defray the whole Charge of the Value of Said Cleared or Improved Lands to be paid to the Person or Persons Injured, and through whose Cleared Lands a Private Road Shall be Laid, Together with the wages of the Commissioners, the Charge of calling the Jury & of their Verdict & of the whole Proceedings thereon had.

AND be it further Enacted by the Same Authority, that if any Person or Persons within the Said County, do or hereafter shall, without the consent of the Commissioners, or the Major part of Them, for the Town or Place for which They are by this Act appointed Commissioners, Alter, Stop up, or Lessen any Highway or Road that has been heretofore Laid out by former Commissioners according to Law, or shall hereafter be Laid out by the Commissioners named in this Act, Such Person or Persons so offending, contrary to the meaning of this Act, Shall for every Such offence, Forfeit the Sum of Forty Shillings, to be recovered before any Justice of the Peace, upon the oath of any one Witness and LEVYED by Warrant from any Justice of the Peace, directed to the Constable of the Town or Place, where Such Offence is committed, by Destraining the goods and Chattels of the offender, and the Said Constable, after Six days Publick notice is given by him of Selling the Said Distress, Shall make Sale thereof, and out of the produce Pay the Said Forfeiture & Charges, and return the overplus if any there be to the owner or owners, which Said Forfeiture of Forty Shillings Shall be applied by the Surveyor of the highways, for and Towards Repairing the Publick Roads & Bridges within the Town or Precinct where Such Forfeiture Shall arise.

BE it Enacted by the Same Authority that all Publick Roads that Shall be Laid out by the Commissioners Shall be of the



Breadth of four Rods Except Through meadow or Improved Lands.

AND be it further Enacted by the Authority Aforesaid, That if any common Publick Road or Highway Shall be Laid through any meadows, Improved ground or Corn fields the breadth of the Said Roads Shall be left to the discretion of the Commissioners, or the Major part of them for the Towns or Precincts, where Such Road, Shall Run as aforesaid Provided the Breadth of Such Road Shall not Exceed Twenty foot

AND be it further Enacted by the Said Authority that the Inhabitants of the respective Towns or Precincts by and through which any common Publick Highways or Roads have or Shall run or hereafter ascertained or Laid out, Shall be & hereby are obliged to Clear and maintain the Same, by Cutting & Stubbing up the Brush, and Lopping off the LIMBS of the Trees that hang over the Said Road, the Breadth of two Rods, and pulling up the Stones that can be moved, and to carry them out of the Road at least the breadth of one Rod and so often as they or any of Them shall have notice from any of the Respective Commissioners, Surveyors or Overseers of the High Ways for the time being, They Shall, in their Turns, Either by Themselves or by able Slaves or Servants, Clean, Level, and amend the High Ways not Exceeding Six Days in the year, under the Penalty of three Shillings, for each Day every Person or Persons shall neglect or Refuse Such Service, To be Levied by the Constable in each Town or Precinct, by Distress and Sale of Such Offenders Goods & Chattels, by Warrant from the Surveyors or Overseers of the High Ways, for the time being, in Each Respective Town or Precinct, where Such Offence Shall be committed, Returning the Overplus of Such Sale (if any be) To the owner, or owners, the Constable being first Paid for his pains & Trouble, out of the Distress and Sale as is usual in other Cases.

PROVIDED That nothing in this Act contained shall be construed to Impower the Respective Commissioners, Surveyors, or Overseers of the High Ways for the time being during the Continuance of this Act, to compel the Inhabitants of the Towns & Precincts through which part of a Road is Laid out by virtue of an Act of Assembly, Intituled an Act for the better Perfecting & Compleating a Publick Common High Way through the County of Ulster, Passed in the Second year of his Majesties Reign that is to Say, from Jeffrows Hook, so on to the

northward as far as the Rondout Creek or common Landing, otherwise than making that part of SAID Road fit for Travellers on Horseback, and marking the Trees Where necessary.

PROVIDED Allways and it is hereby further Enacted by the Authority Aforesaid, that all Trees Standing or Lying in any Persons Land through which any common Publick High Way or Road is or Shall be Laid out, be for the proper use of the Owner or Owners of the Same, but the owners Shall not hinder the Publick from making use of so much Timber which is Standing or Lying on that Road, as will amend the Said High Way or Bridges coming through that Land.

AND be it further Enacted by the Authority Aforesaid, That if the Overseers of the high Ways & Roads, Shall think fit and have occasion of any Team, Cart, or Waggon & a man to Manage the Same, the Said, Team, Cart or Waggon Shall be Esteemed to be for in Lieu & Stead of Two Days Work of one Man, and the Fine to be proportionable, That is double to the Fine to be Imposed for the Neglect of one Person, and every Working Man Shall be obliged to bring Such Tools, as Spades, Axes, Crows, Pick Axes, or Other Utensils as Shall be directed by the Overseers, of the high Ways

AND be it further Enacted by said Authority, That if any of the Said Commissioners herein appointed, Shall neglect, Refuse, or Delay to put the Several Clauses in Execution, Which are mentioned and Expressed as their Duty in this Act. If there unto required, or shall happen to Dye, Remove out of the Town or Precinct for which He or they is or are Appointed Commissioners, It shall & may then be Lawfull for the Freeholders & Inhabitants of any Such Town, or Precinct WHERE it may happen, to Choose & Elect at their Annual Election by Plurality of Voices in his or their Stead, another Commissioner or Commissioners in Such Place or Places where Such Refusal, Neglect, Death or Removal Shall so happen, and the name or names Shall be Transmitted by the Constable of Such, Town or Precinct where it Shall so happen, To the Clerk of the peace for Said County, and the Commissioner or Commissioners, so Elected, Shall be under the Same Restrictions & have the Same Powers & Authorities as those named and appointed by this Act.

AND be it Enacted by the Authority Aforesaid that the Commissioners of Each Respective Town or Precinct, for which they are Respectively appointed, Shall from time to time During the



Continuance of this Act, Enter in writing all high Ways or Roads by them Laid out, Altered or Stopt up, and Sign the Same by putting their names thereto, and cause the Same to be Entered in the County Record, by the Clerk of the Peace, who is hereby Directed & Required to Record the Same, and whatsoever the Said Commissioners Shall do according to the Powers given them in this Act being so Entered in the County Records, Shall be Deemed Valid & good to all Intents & Purposes whatsoever

AND be it Enacted by the Authority aforesaid that Each Commissioner appointed or hereafter to be Elected by Virtue of this Act Shall have & receive a Sum not Exceeding Six Shillings Each day as a Reward for his or their Care & Trouble in laying out or Regulating the high Ways in the Respective Towns or Precincts for which they ARE Severally Appointed

AND be it further Enacted by the Same Authority, That upon the Ordering of any one or more of the Justices of the Peace or any one or more of the Commissioners within the Town or Precinct for which he or they are appointed as aforesaid, the Surveyor or Surveyors of the Town or Precinct Shall within four days thereafter warn & Set at work the respective Inhabitants, To mend and Repair the Kings Roads & Bridges which by Law & Custom they are obliged to Repair, & if any of the Surveyors Shall neglect or Refuse to warn and Set at work the Inhabitants as aforesaid, and See the Said Roads Bridges & high Ways Amended and repaired, Such Surveyor or Surveyors Shall for every Such neglect or Refusal Forfeit & Pay a Fine of Forty Shillings, To be Adjudged by and recovered before any one of his Majesties Justices of the Peace for Said County, upon the Oath of any one witness or on the view of any one of the Commissioners within his or their District, in the common & usual method, which Fine Shall be Applied Towards repairing the Said High Ways in Such Town or Precinct wherein the Fine did arise.

AND be it further Enacted by the Authority Aforesaid that all Waggon, Carts or other Carriages which shall be used in any of the High Ways in the County of Ulster, Shall so be made that the Space between the Rut or Tract, which they shall MAKE Shall be from the outside of the Wheel to the outside of the other Wheel, and the Said Wheels must Stand a breast on the Axel Tree, Shall be Four foot & Ten Inches English Measure & no more or Less, upon Penalty of Twenty Shillings Current

money of this Colony to be Recovered before any of his Majesties Justices of the Peace where the fact Shall happen to be Committed, at the Suit and to the Profit of him or them, that Shall Inform & Sue for the Same Provided, that all Persons Subjected by this Act to any of the Penalties or Forfeitures on Default therein Mentioned Shall be Legally Summoned to appear & be heard before Judgement given

Provided always & it is hereby further Enacted by the Authority Aforesaid That where the Inhabitants of a Small Neighbourhood or Plantation should desire to have a Publick Road Laid out the Commissioners aforesaid, Shall not be allowed to Lay out Such and so many Roads as the Said Inhabitants, should be Desirous to have, But only one publick way Leading from Such Neighbourhood or Plantation to the nearest publick way or Landing Place, from whence they can Travel or Transport goods to other Towns or Landing Places, and where it shall be necessary to Lay out a Road from one District as they are in this Act Joyned to one Other District, the Commissioners of both Towns or Precincts or Places are to meet Together & consult where such Road can be Laid in the best and Straightest manner, and to Lay out the Same ACCORDINGLY to the End Such Roads may not only Correspond with Each other, but be laid out & carryed on in the most convenient and Shortest manner, the nature of the Land will allow

AND be it further Enacted by the Same Authority, That where there has been Swinging Gates upon the Kings high Way or Roads in said County, two years before the Publication of this Act, Shall be Permitted & allowed to remain there During the Continuance of this Act anything herein contained to the contrary in any wise notwithstanding, This Act to be in full Force from the Publication hereof to the first day of December one Thousand Seven Hundred & Fifty.

[CHAPTER 754.]

[Chapter 754, of Livingston & Smith, where the act is printed in full. Chapter 754, of Van Schaack, where the title only is printed. Continued by chapter 896. Expired January 25, 1760. Revived by chapter 1123.]

An Act for the better Relief of poor in Dutchess County.

[Passed, December 17, 1743.]

WHEREAS the Inquest & Burial of Persons coming to Accidental Deaths in the Said County, & leaving no Estate to Defray



the necessary expence thereof, and that the Relieving of the Poor in the Same County hath been often heavy upon Some particular Persons, by reason the Supervizors of the Said County, Declined to allow the Same as a proper County Charge under pretence that the Act Intituled an Act for Defraying the publick & Necessary Charge Throughout this Province & for maintaining the Poor & preventing Vagabonds, did not give them Sufficient Power & Authority so to doe, for remedy of which Inconveniencies.

BE it Declared & Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, that when an Inquest & Burial Shall happen in the Said County of Persons coming to Accidental Deaths, who leave no Estates out of which the Same can be Discharged, or that any Poor living & residing in the Said County Shall Stand in real need of Relief, Application Shall & may be made to the Sessions of the Peace to be held for the Said County, and if it Appears to the Justices then convened, that in either of the Cases above mentioned, proper Provision ought to be made, and Such Provision as they or the major part of them Shall thereupon Judge really Just reasonable & Necessary, within the bounds of moderation, They are to Certify under their hands to the Supervizors of the Said County for the time being, and the Same being Produced to them at their Annual meeting, they are to add the Charge that may Accrue by the means aforesaid in manner following, that is to Say, the charge of the Poor which Shall happen in the Respective Precincts of the Said County Shall be Defrayed by the Particular Precinct in which Such Charge Shall arise & for THAT purpose Shall be added to their Respective Quotas of the Annual County rates & the Charges which Shall arise by the Inquest & Burial of Persons coming to Accidental Deaths, who have no Effects or Estate, out of which the Same can be Discharged shall be a general Charge to the whole County

AND be it further Enacted by the Same Authority that when the Supervizors at their Annual Meeting Shall have Settled the County Charge of the foregoing year, They shall add thereto the Charge of the Poor, and the Inquest & Burial of Such dead Bodies as aforesaid in the manner hereinbefore directed, and then to Issue warrants under their hands & Seals for Assessing Levying & Collecting the whole amount thereof & for Paying the Same to the County Treasurer, out of which they are to Order

the Said Treasurer to make Payments, as well of the Charges Aforesaid, as of all other matters & Articles that shall be Allowed by them as a County Charge unto the Several Persons who shall respectively be Intituled to the Particulars thereof.

This Act to be and Remain of Force from the Twenty fifth day of December in this present year one Thousand Seven Hundered & Forty Three Until the Twenty fifth day of December which will be in the year, of our Lord One Thousand Seven Hundred & Fifty.

[CHAPTER 755.]

[Chapter 755, of Livingston & Smith and Van Schaack, where the title only is printed. (See chapter 736.) Expired October 1, 1745.]

An Act for Lessening the Reward for Killing & Destroying of Wolves & Panthers in the County of Orange

[Passed, December 17, 1743.]

WHEREAS by virtue of one Act of the General Assembly passed in the Sixteenth year of his Majesties reign, Intituled an Act to Encourage the Destroying of Wolves and Panthers in the Counties of Ulster, Dutchess and Orange, giving & granting to every Person being an Inhabitant of Each of the Aforesaid Counties, who shall Actually take kill or Destroy, any Wolf or Wolves whelp or whelps, Panther or Panthers, within the Counties Aforesaid Shall be Intituled to receive the reward following, (that is to Say) for every grown Wolf or Panther, the Sum of Twenty Shillings and for every Whelp or Whelps the Sum of Ten Shillings, which Reward hath been found by Experience to Swell the Taxes in the County of Orange so high that the Same is become very Burdensome & greivous to the Inhabitants of the Said County.

FOR Remedying whereof, Be it Enacted by his Excellency the Governour, Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That from & after the Publication of this Act, That the Reward for killing Panthers or Wolves in the County of Orange, shall be as follows any thing in the Said Act to the Contrary notwithstanding, That is to Say, For killing a grown Panther or Wolf the Sum of TWELVE Shillings and for every Whelp or Whelps the Sum of Six Shillings to be paid in the Same manner and under the Same Regulations as in the Aforesaid Act is ordered & Directed.



AND be it Enacted by the Authority Aforesaid That this Act shall be and Remain of Force until the first day of October, which will be in the year of our Lord One Thousand Seven Hundred & Forty five, and that after that Day Such part & parts of the before Mentioned Act as relate to the County of orange Shall be void & Repealed.

[CHAPTER 756.]

[Chapter 756, of Livingston & Smith and Van Schaack, where a portion of the act is printed. (See chapter 652 and chapter 886.)]

An Act to Enable the Justices of the Peace in Dutchess County to build a Court House & Goal or to Enlarge and Repair the old one.

[Passed, December 17, 1743.]

WHEREAS the Representatives of Dutchess County have Represented to the General Assembly, that their County House & Goal is very much out of Repair, and therefore Pray'd that the Said County might be Enabled to raise money in it, Either for Repairing & Enlargeing the Said House and Goal, or to build new ones, and to purchase Some more ground for that Purpose; which request being Judged both reasonable & highly necessary

BE it Enacted by his Excellency the Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the Same, That for & Towards building a New Court house & Goal for the Said County of Dutchess at Poughkeepsing, or to Amend & Enlarge the old one, now there being, and making the Same more Convenient & for that End to make a Purchase of Some more ground Adjoyning to the ground on which the Court House now Stands, the Justices of the Peace of the Said County, or the greater Number of Them, Shall be and hereby are fully Authorized & Required to meet Together at Poghkeepsing in the Said County, on the Second Tuesday in the month of January next, or on Some other convenient Day in the Said Month, and to Raise, Levy & Collect of from & upon all & every of the Freeholders Inhabitants and Sojourners within the Said County of Dutchess, a Sum not Exceeding Three Hundred Pounds, in two Equal Payments that is to Say, the Sum of One Hundred & Fifty Pounds, being one half thereof, shall be Collected & paid unto the Persons herein after named, on or before the first day of May, now next Ensuing the Publication

of this Act AND the Sum of One Hundred & Fifty Pounds being the other half thereof, Shall be Collected & paid in, on or before the first day of May, in the year of our Lord one Thousand Seven Hundred & Forty Five, and the Said Sum of Three Hundred pounds Shall be Raised Levyed & Collected by the Same & like Rules and Methods & under the Same Regulations & Restrictions as is & are Enacted, Ordered & directed, in & by a Certain Act of General Assembly of this Colony, Intituled an Act, to Authorize Justices of the Peace, to build & Repair Goals & Court Houses in the Several Counties in this Province, passed in the Fifth year, of his late Majesties reign and that in as full & ample manner to all Intents Constructions & Purposes whatsoever, as if those Clauses in the Said Act, had been recited in this Act, notwithstanding the Said Act is Expired by its own Limitation.

AND be it further Enacted by the Authority Aforesaid, that the money to be Raised by virtue of this Act, Shall from time to time be paid by the Several & Respective Collectors unto the Managers or Other Person or Persons to be Appointed, by the Aforesaid Justices or Majority of them, and the moneys arising by virtue of this Act, Shall be Employed for Purchasing the Ground aforesaid & for Materials & Workmanship to & for the uses and Purposes aforesaid, and no other, according to Such orders & Directions, as they the Said Managers, Shall from time to time receive for that Purpose from the Said Justices, or the greater part of them, They the Said Managers being hereby made Lyable from time to time to Render an Account upon Oath, of the moneys received by them, & how Employed & laid out, when thereunto Required by the Said Justices, or the greater Number of them, And to the End THE Several Persons Living upon and Possessing that part of the Lands in Said County, which are generally called & known by the names of the Oblong, may be the more Regularly Assessed & Rated their Quota or Just proportion of the Said & all other Taxes, as Likewise of the County Rates

BE it further Enacted by the Same Authority, That the East Lines of the Four Several Precincts in the Said County, which are Adjoining to the Lands above mentioned, That is to Say, the South Precinct, Beekmans Precinct, Crom Elbow Precinct, and the North Precinct, Shall and are hereby declared to Extend as far Eastward, as to the Colony Line of Connecticut or as this



Colony doth Extend and the Persons so Living upon the Lands Aforesaid, within the Lines & Extent of the Several Precincts as aforesaid, are hereby declared Members of Such Precinct

[CHAPTER 757.]

[Chapter 757, of Livingston & Smith and Van Schaack, where the title only is printed. Repealed and provided for by chapter 885.]

[An Act in Addition to the Act Intituled an Act for the better Clearing Regulating & further Laying out Publick High Roads in the City and County of Albany.

[Passed, December 17, 1743.]

WHEREAS by an Act of the General Assembly passed in the Sixteenth year of his Present Majesties Reign, Intituled an Act for the better clearing Regulating & further Laying out Publick High Roads in the City & County of Albany the Commissioners therein Mentioned, or the Major part of them are Impowered to Lay out Publick high Roads in the Several Places where they are Appointed Commissioners, and to take a Review of the Roads already Laid out, and Such as appear to them to be Inconvenient to Alter & to Pay the true Value of Enclosed or Improved Lands so Laid out into an High Way, but no Provision being made in the Said Act for Raising any money to Defray the Cost and Charges thereof.

BE it therefore Enacted by his Excellency the Governour the Council, & the General Assembly & it is hereby Enacted by the Authority of the Same, That for the Defraying the Cost & Charges aforesaid the Supervizors of the Said County of Albany or the Major part of Them at their Annual meeting during the Continuance of the above Mentioned Act, Shall and hereby are Authorized & required to raise the Same within Such Township or Precinct where Such Road shall be so Valued and Purchased and which Shall be Assessed Levyed & Collected in the Same manner as the Other necessary and CONTINGENT Charges of the said County are.

## THE TWENTY-THIRD ASSEMBLY.

*Second Session*

(Begun Apr. 17, 1744, 17 George II, George Clinton, Governor.)

## [CHAPTER 758.]

[Chapter 758, of Livingston &amp; Smith and Van Schaack, where the title only is printed.]

An Act for Repairing & Compleating the Fortifications of this Colony, for defraying the Charge of the Several Services therein Mentioned for the use & Security of the Said Colony, and for Building a New House proper for the Residence of Governours thereof For the time being.

[Passed, May 19, 1744.]

WHEREAS the Fortifications of this Colony are not in Sufficient Repair to Oppose the Attacks of a Formidable Enemy, or to Encourage the good People thereof, To make a vigorous Defence, in case of any Attempts against Them, and the present Situation of affairs in Europe is Such as Render it absolutely Necessary, to Repair & compleat Them at this critical Juncture.

AND WHEREAS the usual Residence of the Governours of this Colony Still Lays in the ruins occasioned by the late wicked conspiracy, It is conceived highly necessary, as well for the accomodation of the Governours for the time being, as for the Credit & Reputation of the Colony, To Erect a new commodious House in or near the Place, where the old one Stood.

AND WHERAS Several other Matters are requisite to be provided prepared and Discharged for the Immediate and Special use and Service of this Colony.

But In as much as the present Circumstances of the Said Colony will not allow it to answer, the Several Ends aforesaid, but in the manner hereinafter mentioned

BE it Enacted by his Excellency the Governour the Council & THE General Assembly, and it is hereby Enacted by the Authority of the Same, That the Treasurer of the Colony, Shall be & hereby is Impowered and Required, to Borrow out of the Moneys that are already or shall come into the Treasury, by virtue of an Act, Intituled an Act for Laying an Excise on all



Strong Liquors retailed in this Colony, passed in the Twelfth year of the Reign of her late Majesty Queen Ann, and by virtue of the Acts whereby the Same have been continued to the year One Thousand Seven Hundred & Fifty Seven, The Sum of Three Thousand Nine Hundred & Seventy Six Pounds and to Pay the Same at the Times and in the manner herein after Directed, unto Mr. Peter Jay Mr. John Rosevelt and William Roome Esqr. who are hereby appointed Commissioners and Impowered Authorized and Required to Employ the above mentioned Sum, To and for the following uses & Purposes, and to and for no other use or Purpose whatsoever, That is to Say.

FOR and Towards mounting a Sufficient Number of Cannon on the Flatt Rock Battery, and Erecting one or Two Centinell Boxes as his Excellency shall think Proper a Sum not Exceeding the Sum of Sixteen Pounds.

FOR making & Setting up a Proper Fence at both Ends of the Said Battery, and at the North End thereof a good Gate to open fit for a Cart to go in upon Occasion, and a Turn Pike, and at the north End thereof only a Turn Pike, A sum not Exceeding the Sum of Seventeen Pounds and Fifteen Shillings

FOR well and Sufficiently Repairing the Sod Work on the Said Battery, a Sum not Exceeding the Sum of Seven Pounds & Ten Shillings

FOR and Towards putting the Brasses on the Carriages and Purchasing others that are wanting, a Sum not Exceeding the Sum of Five pounds & Fifteen Shillings

FOR Building a good & Sufficient Stone Wall at the Foot of the South West part of the Flag Mount to Support the ground thereof a Sum not Exceeding the Sum of Forty Five Pounds.

FOR and Towards the Repairing & Pointing the Walls of Fort George, a Sum not Exceeding the Sum of Fifty two Pounds.

FOR and Towards Building a good New Plat Form on Copsy Battery of Pitch Pine Plank two Inches and an half thick and not Less than Twelve Inches wide clear of Sap, on good Substantial white Oak Sleepers, not less than Five under the Length of one Plank, a Sum not Exceeding the Sum of Two Hundred, Eighty and Five Pounds

FOR and Towards Painting the Carriages on the Several Batteries a Sum not Exceeding the Sum of Forty Seven Pounds.

A Sum not Exceeding the Sum of Five Hundred Pounds to be Lay'd out by the Said Commissioners in good Gun Powder, for the use & Defence of the Several Batteries & Fortifications

of this City & Colony, and to be Employed only if an Enemy should make an Attack upon the Colony by Water or Land, and that They prepare Such A Number of Cartridges SUITABLE to the Size of the Cannon that are or may be Placed on the Said Battery's as the Captain General or Commander in Chief for the time being Shall think Proper; which are to be Lodged with the Powder, and kept ready to be made use of when occasions Shall Require it. And the Said Powder when so Purchased as aforesaid Shall be Stored in the Powder House of the City of New York, with Directions to the Keeper thereof, To turn the Same once in every month or in Six Weeks at Farthest; For which Trouble the Said Keeper is to be Allowed a reasonable Reward; But nothing is to be Demanded or paid for the Storage thereof, as the Same is Intended for the Defense and Security of this City and Colony. And the Said Powder being so Stored as aforesaid, is to be kept and remain in the Said Powder House, until Such an Attack as above Mentioned, Should make it necessary to make use thereof. And if no Such Attack Should happen in the Space of Two years or Longer, or that at any time hereafter It should be thought Proper to Exchange it, the Same is to be disposed of, and other Powder purchased in Stead thereof, for the Same use, as the Governour or Commander in Chief for the time being, the Council and the General Assembly, by Act or Acts hereafter to be Passed for that Purpose shall order and Direct

FOR Building & completing a House for the Residence of the Governours in the Place before mentioned, of Eighty foot Long, Forty five foot wide, Three Stories above ground, the two Lowermost of Eleven FOOT Each, and the upper one of Eight foot, A Low Roof and no Dormant windows, conformable to a Plan Signed & approved of by his Excellency the Governour and by order of the General Assembly Signed by the Speaker, a Sum not Exceeding the Sum of Three Thousand Pounds.

BE it Therefore Enacted by the Authority aforesaid that the Commissioners are hereby Impowered and Directed, to make use of all the Sashes, Doors, Locks, Hindges, Iron, and other Materials Saved of the late House, in carrying on and completing the New Building aforesaid, and They are hereby further Impowered and Directed, to dispose of the Plank and Timber of the Old Plat form on the Copsy Battery, To the best advantage, and Employ the produce thereof, To finish and complete the New Plat Form before Directed.



AND to the End due application may be made of the Money hereby Allowed to and for the Several uses and Services aforesaid, amounting in the whole to the Sum of Three Thousand Nine Hundred Seventy and Six Pounds.

BE it Enacted by the Authority aforesaid That the Said Commissioners for managing the Several Matters aforesaid are hereby fully Impowered Authorized and Required, by the Advice and Approbation of the Governour or Commander in chief the COUNCIL and the Members of the General Assembly for the City & County of New York for the time being, To begin, carry on, compleat and Finish, the Several works and Services aforesaid, in the manner herein before directed, and to Procure Materials, at the best & cheapest Rate, and to Employ able work Men to Perform the Same in the Best and Speediest Manner.

AND that the Said Commissioners may be Enabled so to do, Be it Enacted by the Authority aforesaid, That the Treasurer of this Colony Shall upon their Application to him Pay unto Them, The Sum of Six Hundered Pounds, and when that is Expended for the Said Services, the Sum of Six Hundred Pounds, and when that is Expended as aforesaid, the Sum of Six Hundred Pounds, and when that is Expended as aforesaid the Sum of Six Hundred Pounds, and when that is Expended as aforesaid the Sum of Six Hundred Pounds, and when that is so Expended the Remaining Sum of Three Hundred and Seventy Six Pounds. And their respective Receipts shall be Allowed good and Sufficient Vouchers to the said Treasurer for the Same, Provided They do not in the whole Exceed the above mentioned Sum of Three Thousand Nine Hundred Seventy & Six Pounds, and of the due application and Disposition thereof, the Said Commissioners, are to keep Exact Books, and to Render true & DISTINCT Accompts thereof upon Oath to the Governour or Commander in Chief, For the time being, To the Council, or to the General Assembly, when by Them or any of Them thereunto Required.

BE it further Enacted by the Authority aforesaid that the Commissioners, herein before named and appointed, shall before they Receive any part of the Money hereby directed to be paid unto Them, Enter into the following Recognizances to our -eign Lord the King, his Heirs and Successors, That is to

Say, Each of Them, before one of the Justices of the Supreme Court, in the Sum of, One Thousand Three Hundred & Twenty, five Pounds, with Two Sufficient Sureties each in half that Sum, Conditioned that They, shall and will well and Truly each for his Part, Imploy and apply the money so to be received by Them as aforesaid, To & for the Several and Respective uses and Purposes, directed by this Act, and well and Duly to Observe, do and Perform all the Directions thereby Required to be Observed, done and Performed by Them according to the True Intent and meaning thereof, which Several Recognizances, are to be Delivered to the Treasurer by the Justice before whom the Same shall be so Taken, in order to be Lodged in the Treasury

BE IT ENACTED by the Authority aforesaid, That IF any of the before named Commissioners, Shall fail in Implying and applying the money so to be Received by Them in manner & for the respective Uses directed by this Act, or omit to observe, do & Perform what is thereby Required to be Observed, done & Performed by Them, in Such Case or Cases the Said Recognizances, Shall be Proceeded upon in Due Form of Law against Such offender or offenders, or his and their Sureties in any Court of Record within this Colony, wherein no Essoyn, Protection, Wager of Law or more than one Imparlance, shall be Allowed, and the Money to be Recovered in Consequence thereof, Shall be paid into the Treasury of the Said Colony, and Applied to and for the Several & Respective Uses and Services herein before Directed.

BE it Enacted by the Authority aforesaid, That if any of the before named Commissioners, Shall happen to Die. Remove out of this Colony, or Refuse to Act, according to the Several & Respective Powers and Authorities hereby directed and Required, It shall and may be Lawfull to and for the Governour or Commander in Chief for the Time being by and with the advice and consent of his Majesties Council, to Nominate and appoint some other fit Person or Persons to be Commissioner or Commissioners in the Place and Stead of the Commissioner or Commissioners so Dying Removing, or Refusing to Act as aforesaid, any thing herein CONTAINED to the contrary notwithstanding. PROVIDED That the Person or Persons who may be so appointed, Shall be Obligated to Enter into the like Recognizance and Sureties, as is herein Directed to be done





Each of Them, before one of the Justices of the Supreme in the Sum of, One Thousand Three Hundred & Twenty pounds, with Two Sufficient Sureties each in half that Conditioned that They, shall and will well and Truly for his Part, Employ and apply the money so to be ed by Them as aforesaid, To & for the Several and ctive uses and Purposes, directed by this Act, and well uly to Observe, do and Perform all the Directions thereby ed to be Observed, done and Performed by Them accord- the True Intent and meaning thereof, which Several nizations, are to be Delivered to the Treasurer by the e before whom the Same shall be so Taken, in order to lged in the Treasury

IT ENACTED by the Authority aforesaid, That IF any before named Commissioners, Shall fail in Employing pplying the money so to be Received by Them in manner the respective Uses directed by this Act, or omit to e, do & Perform what is thereby Required to be Ob- , done & Performed by Them, in Such Case or Cases id Recognizances, Shall be Proceeded upon in Due Form w against Such offender or offenders, or his and their es in any Court of Record within this Colony, wherein soyn, Protection, Wager of Law or more than one Im- nce, shall be Allowed, and the Money to be Recovered nsequence thereof, Shall be paid into the Treasury of ld Colony, and Applied to and for the Several & Respect- es and Services herein before Directed.

It Enacted by the Authority aforesaid, That if any of fore named Commissioners, Shall happen to Die, Remove this Colony, or Refuse to Act, according to the Several pective Powers and Authorities hereby directed and Re- , It shall and may be Lawfull to and for the Governour mmander in Chief for the Time being by and with the and consent of his Majesties Council, to Nominate and t some other fit Person or Persons to be Commissioner nmissioners in the Place and Stead of the Commissioner nmissioners so Dying Removing, or Refusing to Act as aid, any thing herein CONTAINED to the contrary not- anding. PROVIDED That the Person or Persons who e so appointed, Shall be Obligated to Enter into the like nization and Sureties, as is herein Directed to be done



By the Commissioners, named in this Act before He or they be Entituled to receive any part of the Sum herein first Mentioned, and in all other Respects be as Subject To Observe and Perform the Several Directions of this Act as if He or They had been named and appointed in it

BE it Enacted by the Authority aforesaid, That the Several Commissioners herein before named and appointed, shall as soon as they have made an Estimate of the Sorts and Quantities of Materials requisite to accomplish the respective Services by this Act directed to be Severally done by them Set up Publick Advertisements, desiring all Persons willing to Furnish Such Materials, at the Lowest Rate for ready money, to appear before them Respectively at a certain Day and Place to be Mentioned in Such Advertisements and then and there, or at some other Time or Times thereafter contract for Such Materials accordingly, and to prevent Exactions in the Prices of Materials or in Labour, the Said Commissioners are hereby Respectively required out of the Monies they are to Receive by Virtue of this Act, To make ready Payment for all the Materials and Workmanship, That shall be Employed for & TOWARDS the Respective Services herein Directed to be Severally done and Performed by Them.

AND to the End the Several Commissioners herein before named and Appointed may be Encouraged to do and Perform the Several and respective Services by this Act required to be done and Performed by Them respectively. Be it Enacted by the Authority Aforesaid That it shall and may be Lawfull for Them to retain for their own use, out of the money herein Directed to be Employed by Them, The Sum of Four Pounds on Every Hundred Pounds they shall so Employ, and in that Proportion for a greater or Lesser Sum as a Reward for their care and Trouble in the Several and respective Services hereby required to be done & Performed by Them.

AND be it further Enacted by the Same Authority that over and above the Sum before mentioned, the Treasurer shall Borrow, out of the Said Excise the further Sum of Three Hundred and Forty five Pounds Seventeen Shillings & Three pence half penny to and for the Several Services herein after Mentioned, That is to Say.

TO Messrs. John De Peyster and Philip Livingston Junr. for Filling up the Bastions of the Fort at Albany, and making a Platt form thereon a Sum not Exceeding the Sum of Forty

pounds, and their Receipts shall be a full Discharge to the Treasurer for that Sum.

TO Alixander Vedder for repairing the Chimneys in the Fort at Schonectady and purchasing Locks for the Gates, a Sum not Exceeding the Sum of Eight pounds, and his receipt shall be a full discharge to the Treasurer for that Sum, and for the Due application of the Two Sums above mentioned, the persons receiving the Same, Shall give a True and Just Account upon Oath to the Governour, Council and General Assembly, or any of Them, when thereunto Required.

To Messrs. John Cruger, John Rosevelt, William Roome & Henry Row, late Commissioners of the Fortifications, The Sum of Forty Seven Pounds Seventeen Shillings and Three pence half penny, being what They have advanced more for the Colony, Than what has been Received by them, and their Receipts to the Treasurer shall be a full discharge for that Sum.

TO the Commissioners of Indian Affairs at Albany for Paying Abraham Wendall, and the Persons that Paid the Five Indians which were Sent with him to Oswego, by order of his Excellency the last fall and for Provisions and other disbursements on that Service, a Sum not Exceeding the Sum of One Hundred Pounds, and their Receipt to the Treasurer, shall be a full discharge for that Sum.

TO the Reverend Henry Barclay for the moneys he has advanced and is Engaged to Pay, for Erecting the Church in the Mohawk Country to Secure the Indians in his Majesties Interest, and for the conveniency of Prosaliting of Them to the christian Faith, a sum not Exceeding the Sum of one Hundred & Fifty pounds, and his Receipt to the Treasurer shall be a full discharge for that Sum.

AND be it further Enacted by the Authority Aforesaid, That the Several Sums before mentioned, amounting in the whole to the Sum of Four Thousand Three Hundred & Twenty one pounds Seventeen Shillings and Three pence half penny, Borrowed out of the Excise Funds, the Treasurer is hereby required & Directed to Replace to the Said Excise the Surplus of all Such moneys as shall or may from time to time Remain in the Treasury, of the Funds, which are or may be appropriated to the Support of this Government after the Necessary Charges thereof shall be Annually paid & discharged, and that in case the Said Surplus should not be Sufficient within the



Term of Four years to Repay the Aforesaid Sums of money so borrowed from the Said Excise, the General Assembly Shall & will provide ways & means fully to Repay what shall remain so borrowed as aforesaid

[CHAPTER 759.]

[Chapter 759, of Livingston & Smith and Van Schaack, where the act is printed in full. See chapter 698.]

An Act to Impower the Sworn Repackers of the City of New York for the time being, to Repack and Brand, half Barrells of Beef and Pork.

[Passed, May 19, 1744.]

WHEREAS by an Act of the General Assembly passed in the fourteenth year of his Majesties Reign, Intituled an Act, to prevent Abuses in the Repacking of Beef & Pork, no Provision was made for the Repacking and branding of half Barrells of Beef & Pork, For want of which many Inconveniences have arisen, In Remedy where of.

BE it Enacted by his Excellency the Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That from & after the Publication of this Act, it shall & may be lawfull to and for the Sworn Repackers of the City of New York for the Time being, to Repack and put any of the respective brands directed in the hereinbefore mentioned Act on half Barrells of Beef or Pork, Provided that each half Barrell so to be Repacked & Branded shall not contain less than Fifteen Gallons & an half, and that in each containing Beef no more than one Shin, and in Each containing Pork, no more than two half Heads be put, under the like Rules and Regulations, and under the like Penalties and Forfeitures as are Mentioned in the aforesaid Act, with respect to whole Barrells of Beef and Pork.

AND be it further Enacted by the Authority Aforesaid that the Mayor, Deputy Mayor, or Recorder, who by the aforesaid Act Are Impowered to administer an Oath or Affirmation to the Said Repackers, for the due Execution of their Office, Shall be and hereby are Impowered and Required, after the word Barrells, in the Form of the Oath prescribed by the Aforesaid Act, to add the words (or half Barrells) any thing in the Said Act to the Contrary notwithstanding.

## [CHAPTER 760.]

[Chapter 760, of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act for the punctual Payment of the County Rates in Suffolk County, and for the more Effectual Recovering of the Arrearages thereof.

[Passed, May 19, 1744.]

WHEREAS there are Sundry Arrearages of County Rates, that remain Uncollected of Several Inhabitants of the Towns, Mannors, Liberties, and Jurisdictions within the County of Suffolk,

BE IT ENACTED by his Excellency the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the Same, That the Collectors of the Several Towns, Mannors, Liberties and Jurisdictions in the Said County, for the time being, shall and hereby are directed, Authorized & required, to Levy & Collect, all or any part of Such Arrears, according to the Several Assessments thereof, of and from the Several & respective Persons in the Several & respective Towns, Mannors, Liberties and Jurisdictions, in the Said County chargeable therewith, and the money so Levyed & Collected, Shall forthwith be paid to the Treasurer of the Said County, To be disposed of as the Supervizors thereof, shall direct for the use of the Said County.

AND whereas there are Several Islands, Mannors, Precincts, Liberties, and Jurisdictions, in the Said County, the Inhabitants whereof have neglected, Denied, or Refused to choose an Assessor or Assessors, Collector or Collectors, and having none nominated and appointed to Assess & collect the Several and Respective rates of the NECESSARY and contingent Charges of the Said County.

BE it therefore Enacted by the Authority aforesaid, That it Shall & may be Lawfull, for the Sheriff of the Said County and he is hereby Authorized and required, To go into Such Island, Mannor, Precinct, Liberty, or Jurisdiction, and demand such Arrearages as the Owner or Owners thereof owe, of the Necessary & contingent Charges of the Said County, Pursuant to warrant or warrants, That Shall be Issued by the Supervizors of the Said County, for the time being to the Said Sheriff



Directed, certifying how much such Island, Mannor, Precinct, Liberty, or Jurisdiction is or are in Arrear.

AND if the Owner or Owners of the same, or the Tenant or Tenants in Possession, refuse or neglect to pay the Said Arrears, Then the Said Sheriff to take to his Assistance, so many of the Freeholders & Inhabitants of the Said County, as he shall think fit, and enter into such Island, Mannor, Precinct, Liberty, or Jurisdiction, and Levy the Said Arrears by Distress upon the goods & Chattles of the Said Owner or Owners, Tenant or Tenants, in Possession of Such Island, Mannor, Precinct, Liberty, or Jurisdiction, and the Said Distress to Lead, Drive or carry away to the next Town in the Said County, & there within Twenty days Expose to Sale at publick Vendue, such Distress having first given Notice of the Particular Place and time of Such Sale, by Setting up a publick Advertisement thereof at the County Hall in the Said County, at least Ten Days before Such Vendue & out of the money OF Such Sale, the Said Sheriff is hereby required to Pay the Said arrears of Rates, to the Treasurer of the County, To be disposed of as aforesaid, whose receipt shall be his Discharge, and also pay the Charge of Such Distress & Sale, and return the over-plus if any be to the owner.

AND for the better Collecting and gathering of the Annual Rates for the Future, of Such Islands, Mannors, Precincts, Liberties and Jurisdictions, of the necessary and Contingent Charges of the Said County.

BE it Enacted by the Authority Aforesaid, That if the Owner or Owners, Tenant or Tenants of the Respective Islands, Mannors, Precincts, Liberties or Jurisdictions aforesaid, Shall neglect, delay or Refuse to pay to the Treasurer of the Said County, the Several and Respective Sum or Sums of money, which He or they are or shall be required and Directed to Pay, Levy or Collect within their Respective Districts for their proportion of their County Charges, Pursuant to Warrant or Warrants, which from time to time Shall be Issued by the Supervizors of the Said County for that Purpose, by the Space of Thirty days after the Time Limited for the Payment thereof, in Such Warrant or Warrants, That then the Sheriff of the Said County, Shall and He is hereby Authorized and Required to make Distress and SALE for the Same in Form and manner as is above Directed.

## [CHAPTER 761.]

ter 761, of Livingston & Smith and Van Schaack, where the title printed. See chapter 683.]

An Act to Explain part of an Act Intituled an Act, for the better clearing Regulating & further Laying out Publick high Ways in Kings County, Queens County, Richmond County and Orange County.

[Passed, May 19, 1744.]

WHEREAS in and by an Act Intituled an Act, for the Clearing Regulating and further Laying out Publick Ways in Kings County, Queens County, Richmond County and Orange County Passed in the Fourth year of his Majesties and by Several Subsequent Acts continued until the first December one Thousand Seven Hundred and Forty five, among other things Declared & Enacted that the Commissioners of Each respective Town in Said Counties for which were respectively appointed by virtue of the above said Act, should from time to time During the continuance of the Act, enter in writting, all the High Ways or Roads by Laid out Altered or Stopt up and Sign the Same, by giving their names thereto, and Cause the Same to be Entered in the Town Books, by the Clerk of each respective Town

AND WHEREAS there have not been any Town books kept in the County of Orrange, Since the Passing the Said in part Act, and the Commissioners appointed for regulating and laying out the High Ways in the Said County of Orrange, from time to time Transmitted their Returns by them of the High Ways in the Said County to the Clerks Office

Said County, where the Same have been Entered on the County Records, which Said Returns so made & Recorded at the County Clerks Office having been disputed & drawn in question as not being conformable to the Express words of the above said Act to the great Trouble Difficulty & Inconvenience of the Inhabitants of the Said County

For Remedy thereof BE it Enacted by his Excellency the Governor the Council & the General Assembly, & it is hereby ordered by the Authority of the Same, That all & every the said Roads & High Ways that have been altered Regulated



or Laid out, by the Commissioners in the Said County of Orange by virtue of the Said Act, and have been Signed by Them, & Recorded in the County Clerks Office, and all other Roads & High Ways which may hereafter be laid out Altered & Regulated by the Commissioners in the Said County of Orange, & by Them Signed & Entered on the County Records, Shall be & hereby are declared to be as good & Valid to all Intents & Purposes whatsoever, as if the Same were Entered in the Town Books, by the Town Clerk of Each Respective Town in the Said County any thing in the Said Act contained to the Contrary notwithstanding

[CHAPTER 762.]

[Chapter 762, of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 644.]

[An Act to alter part of an Act, Intituled  
an Act, for the better Clearing, Regulating  
& further Laying out Publick High Roads in  
the County of West Chester

[Passed, May 19, 1744.]

WHEREAS by an Act of the General Assembly, Intituled an Act for the better Clearing Regulating and further laying out Publick High Roads in the County of West Chester, passed in the Tenth year of his Majesties Reign Samuel Purdy, Caleb Hyat, and Benjamin Brown Esqrs. were in and by the Said Act named & appointed Commissioners, for Laying out Publick High Roads for the Township of Rye, and the White Plains, and They having Served a great while in the Said Office, and being Desirous to be Discharged from further Executing the Same

BE it therefore Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Said Samuel Purdy, Caleb Hyat, and Benjamin Brown, be and hereby are Discharged from farther Serving in the Said Office of Commissioners for the Township of Rye and the white Plains, and that Collonel William Willet, Mr. Samuel Treadwell, and Mr. Jonathan Purdy Shall be and hereby are appointed Commissioners, for the Said Township of Rye & the White Plains, in the Room & Stead of the Said, Samuel Purdy, Caleb Hyat

& Benjamin Brown, and they the Said Commissioners during the Continuance of the Said Act, Shall be and hereby are vested with the Like Powers & authorities, in the Places for which they are named and APPOINTED Commissioners, as any of the other Commissioners have in the Respective Places, for which They are so named and appointed in the Said Act, anything therein to the contrary thereof notwithstanding.

### THE TWENTY-THIRD ASSEMBLY.

#### *Third Session.*

(Begun July 17, 1744, 18 George II, George Clinton, Governor.)

#### [CHAPTER 763.]

[Chapter 763, of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act to Exempt Prize Goods from any  
Duty of Custom Imposed by the Laws of this  
Colony.

[Passed September 1, 1744.]

WHEREAS his Majesty by his most gracious Declaration of the Twenty Ninth day of March, one Thousand Seven Hundred & Forty four for the Encouragement of his Ships of War & Privateers has of his great Bounty given to the Officers, Marinors & Soldiers on board every Ship of War and Privateer, The Sole Interest & Property of all Ships, Vessells, Goods, Marchandize & Effects, which they Shall take during the Continuance of this War, with the french King and King of Spain

AND that his Majesties Loyal Subjects of this Colony may be farther Encouraged to Equip & Fit out Privateers against his Majestys Said Enemys and that other Captors may have no Discouragement to bring Prizes hither, the General Assembly Pray it may be Enacted & be it Enacted by his Excellency the Governour, the Council & the Said General Assembly, and it is hereby Enacted by the Authority of the Same, That all Ships and other Vessells, Goods, Wares, Merchandizes & Effects which shall be taken from the french King, or from the King of Spain, & from their or Either of their Vassalls or Subjects or from any Persons Inhabiting within their or Either of their Territories, Countrys, or Dominions, by any of



his Majesty's Ships of War, or by any Privateers & brought into the Port of NEW YORK & adjudged & condemned in it as Lawfull prize from & after the first day of August in this year, one Thousand Seven Hundred & Forty four, and During the Present WAR with the Said Kings or Either of them, Shall be Exempted from the Payment of, any Duties or Customs Imposed by any Act or Acts of this Colony, any Law or usage to the contrary notwithstanding.

AND WHEREAS The owners, Masters & Mariners of the Brigantine, Hester & Sloop Polly, two Privateers fitted out of this Port to annoy his Majesties Enemies, have by their Humble Petition Presented to the General Assembly set forth, that Some time last Fall the Said Privateers, did take a Spanish Ship Loaden with cocoa, & were proceeding with her to the Port of New York in order to have her Condemned in the Court of Vice Admiralty there, but the Season of the year being too far advanced to venture on this Coast They were obliged to put into a Port of North Carolina, where the Said Ship & Goods were condemned as Lawfull Prize, in the Court of Vice Admiralty there, That as soon as the Said Ship was condemned, They did proceed with Her to this Port, with most of her Goods & Merchandise on board, which were here Sold & the money Spent & Laid out in the City, to the great advantage of the Inhabitants, And therefore Humbly Prayd that the Duty of the Said Cocoa might be Remitted, which being conceived reasonable. Be it Enacted by the Authority Aforesaid That all the Goods & Merchandize brought into this Port by the Said Privateers, the Brigantine Hester & Sloop Polly on board the Said Prize, Shall be & hereby are Exempted from any Duties or Customs, Imposed by any Act or Acts of this Colony, any Law, usage or Custom to the Contrary notwithstanding

#### [CHAPTER 764.]

[Chapter 764, of Livingston & Smith, where the act is printed in full. Chapter 764, of Van Schaack, where the title only is printed. Continued by chapter 838.]

An Act to Support the Garrison and Trading House at Oswego.

[Passed September 1, 1744.]

Whereas by means of the Trading House at Oswego, the Remote Nations of Indians, have been Encouraged to Trade

there, whereby our Fur Trade has been very much Increased To the Benefit of those who Trade Thither, and at the Same Time Enables us to make very Valuable Returns to great Brittain, But as the Funds granted for Victualling the Garrison posted there, and for Defraying the necessary Contingencies requisite to Support the House & Trade aforesaid will Expire on the first Day of November next, a further Provision is required to uphold a Place & Trade of that Importance, which the General Assembly being willing to grant.

BE it Enacted by his Excellency the Governour, the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That there be given and granted unto his Majesty, his Heirs & Successors, To and for Supporting the Trading House at Oswego, to victual the Troops posted or to be posted there, and to Defray the Contingent and necessary Charges attending the Same, from the first day of November in this present year, One Thousand, Seven Hundred & Forty four, To the first day of November, which will be in the year, One Thousand Seven Hundred and Forty Six, and to & for no other use or Purpose whatsoever, the Duties and Impositions following, on the Goods hereafter mentioned, which Shall be sold, Carryed, or Transported in order to be Disposed of to the Indians, from the Said first Day of November in the year, One Thousand Seven Hundred and Forty four, To the first Day of November, which will be in the year One Thousand, Seven Hundred & Forty Six, Inclusive that is to Say.

On Every Piece of Strouds, or other Cloaths, the Sum of Ten Shillings current Money of this Colony, and for every Gallon of Rum or other Distilled LIQUORS, One Shilling in like Money except an Allowance of Ten per Cent for each Battoe, or Canoe for their Stores, and so in Proportion for a greater or Lesser Quantity.

AND for the better Securing the Payment of the Said Duty, be it Enacted by the Authority aforesaid, that every Person & Persons, carrying, Sending, or Transporting any Strouds, or other Cloaths, Rum or other Distilled Liquors (Except as before Excepted) from the City of Albany, or from any part of the Said County, whether Sold or with Intent to Sell the Same to the Indians, Shall first Enter with, or Report to the Commissioners herein after named, or to one of their Deputies, the full & Exact Quantity thereof, and at the Same Time



become bound to Pay the Duties by this Act Imposed, on the Said Goods, unto Them or their Order, within Three Calender Months, after such Entry, and Secure the Payment thereof by Recognizance or Bond, or Bill, at the Election of the Said Commissioners or their Deputies.

AND be it Enacted by the Authority aforesaid, that Immediately after the Said goods are so Entred, and the Duties thereof Secured in manner aforesaid, Then the Said Commissioners or Either of them, or their Deputy, Shall give proper Certificates, under his or their Hands & Seals, of the Persons name so Entring and the Quantitys and Species of the Goods, for which the Duty is so Secured, and for Such Certificate of all the Goods so Entred, at one Time, the Party so Entring the Same, Shall Pay unto the Commissioners for their Trouble therein, one Shilling, and for a Recognizance Bond or Bill, two Shillings & no more.

AND that the Payment of the Duty hereby laid on Strouds or other Cloaths, may not be Eluded, by cutting them into Small Pieces, BE it Enacted by the Authority AFORESAID That of Strouds cut and sold in small Parcels, every Twenty four yards shall be accounted as one Piece, and be Subject to Pay the Duty of Ten Shillings Laid on it by this Act and so in Proportion.

AND be it also Enacted by the Authority aforesaid, That all Such Strouds or other Cloaths, as shall be sold to the Indians within the City or County of Albany, During the Continuance of the Said Duties, the Person or Persons, so selling the Same, Shall within Fourteen Days after Such Sale, declare to the Commissioners or one of Them, the full Quantity of all Such goods so Sold, and to Pay or Secure to be Paid the Duties thereof, Upon the Penalty of Paying double Duty for Such Goods upon every Failure or Neglect, To be recovered in the Same manner as the Duties upon Goods Clandestinely Sent, Carryed, or Transported for Sale to the Indians, are herein directed to be Recovered.

BE it further Enacted by the Authority aforesaid, That if all or any Part of Strouds, or other Cloaths, so Entred, and the Duties thereof paid, or Secured by any Person or Persons in manner as aforesaid, Shall be unsold & returned to the Place where a Certificate was granted for the Same, The Said Commissioners are hereby Directed & required, either to Remit, or Deduct out of the Recognizance, Bond or Bill given for the

or Secured to be paid for Them within Six Days before Swearing, and Likewise that, He, or She will not again carry, or Transport Them for Sale, to the Indians, until she shall first Enter and Secure the Duties thereof.

And to prevent Strouds, or other Cloaths, Rum or other distilled Liquors from being clandestinely, Sent, Carryed, or Transported for Sale to the Indians, BE it Enacted by the Authority aforesaid, That if the Said Commissioners shall at any Time a Duty is hereby laid on those Goods, have Reason or Just cause to Suspect that any Person or Persons has or have Sent, carryed or Transported any such Goods or Liquors before Mentioned or Either of Them, without Entry or more than Entred, It shall be Lawfull for the Said Commissioners, and They, or one of Them are hereby required to summon Such Person or Persons before him or Them, and he, or They so appearing, Shall be obliged to make oath before him or Them, of the full Quantity of Strouds, or other Cloaths, Rum or other Distilled Liquors, Sent, Carryed, or Transported for Sale, To the Indians, by or for him, Her or Him, so Summoned from a time to be named by the Commissioners, and upon Such Information or Suspicion afterwards, they shall & may Issue such Summons or Summonses & again, and Cause Such oath to be administred, Provided the time do not Exceed beyond the time at which the Goods were last Sworn, and if upon Such Oath or Oaths, it appears that more is Sent, Carryed, or Transported than what has been Duly Entred, the Party or Party's, is and are hereby bound Immediately to Pay a Double Duty for all Such Goods, which shall appear to be Sent, or Sold without Entry, or more than Entred, or Enter into Recognizance to Pay it within Ten



sonally served upon him, her, or Them, or left at his, Her or THEIR usual Place of abode, or appearing do refuse to Swear and give an Accompt as aforesaid, In either of Such Cases, He, she, or They shall Forfeit unto his Majesty his Heirs and Successors, to and for the use of the Said Trading House, the Sum of Fifty pounds to be recovered in any Court of Record within this Colony, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection, Wager of Law, or more than one Imparliance shall be allowed, and if Such Person or Persons be afterward Summoned, the oath shall only be Required from the time the last Summons was Dated, and the Said Commissioners are hereby Impowered & Authorized to Administer the Several oaths in this, and in the foregoing Clauses mentioned.

BE it further Enacted by the Authority aforesaid, That if any Rum, or other Distilled Liquors, Strouds or other Cloaths be found to the Westward of Burnets Field or any Strouds or other Cloaths beyond the bounds of the City of Albany, to the Northward, without Such Certificate as aforesaid the Same shall be forfeited unto his Majesty, his Heirs and Successors and recovered, in any Court of Record within this Colony, by bill, Plaint or Information, wherein no Essoyn, Protection, or Wager of Law, or more than one Imparliance Shall be allowed, one half of which Forfeiture to be for the use of the Trading House at Oswego, and the other half to & for any Person or Persons, Seizing, Informing, & Prosecuting the Same to Effect.

AND be it further Enacted by the Authority aforesaid, That John DePeyster and Philip Livingston Junr. Shall be and hereby are appointed Commissioners, for managing, Securing and Collecting the Duties above Mentioned, and for the Effectual doing thereof, They are hereby fully Authorized to receive Such Entries or Reports, and to grant Issue Such Certificates as aforesaid and Likewise to appoint one or more Deputies under them with the like or Limited Power, always Provided that They shall be answerable for the conduct and management of Such Deputy or Deputy's, Provided likewise that all THE Money to arise by virtue of this Act, Shall be received by the Said Commissioners or either of Them, and by them from time to time, be Transmitted to the Treasurer of this Colony, and if one of Them happen to Die, before the Determination of the Said Duties, all the Said Power shall Devolve on the Survivor of them, and in case they both Die

he behalf of the above named Commissioners.

AND be it further Enacted by the Authority aforesaid that Said Commissioners, Shall be and hereby are obliged to perform, everything by this Act required of them, to be & Performed according to the true Intent and meaning of, and not only keep Exact books of all the Duties to be by virtue of this Act, but also to Render true and just accounts thereof upon Oath, To the Governour, or Commander in Chief for the time being the Council, or the General Assembly, when by them, or any of them thereunto Required, of all the Several Sums, They shall receive and Transmit to the Treasurer, it shall be Lawfull for them to retain in their hands, as a Reward for their Trouble, and care by this Act required to be done & Performed by them, Five Pounds, on every Hundred Pounds, and after that Rate for a greater or lesser Sum so received and Transmitted as aforesaid.

BE it also Enacted by the Authority aforesaid, that each of the Commissioners above named, Shall on or before the tenth Day of November next, take the following Oath on the holy Evangelists before the Mayor or Recorder, or any two of the Aldermen of the Said City (vizt.) I. A. B. do Swear, that I will not During the continuance of the Duties, Imposed by this ACT, Issue any Such Summons, or administer any Such Oath as I am thereby Impowered to do, against or to any Person or Persons than such as I really suspect, or be informed to have Sent, Carryed, Transported, or Sold to the Indians, Strouds, or other Cloaths, or Rum or other Distilled liquors, without Entering the Same, or more than what has been so Entred, and that if I send, Transport, or Sell to the Indians any of Such Goods on my own Account or in Part.



nizance with two Security's unto our Sovereign the Lord the King, his Heirs and Successors, before the Said Mayor or Recorder, in the Sum of one Thousand Pounds & Each of the Security's in the Sum of Five Hundred Pounds Conditioned, That he shall & will well & Truly, Execute what by this Act he is Impowered and Required to do in Relation to the Duties therein Mentioned, To pay the money arising thereby and render True Accompts thereof, as in and by this Act is Directed.

BE it further Enacted by the Authority that the Said Mayor or Recorder, or any two of the Aldermen, of the Said City of Albany, who Shall administer the afore Mentioned Oath to the Said Commissioners or take the above mentioned Recognizances of Them, Shall within two months after the Date thereof, Transmit unto the Treasurer of this Colony, the Said Recognizances, as also a Certificate, that Such oaths as aforesaid have been taken before him or Them by the Said Commissioners which Said Certificate & Recognizances are to be Lodged and remain in the Treasury.

BE it Provided and Enacted by the Authority Aforesaid, That all Such Rum, or other Distilled Liquors, as by this Act are Subject & liable to Pay the Sum of one Shilling on Every Gallon, and for which Such Duty shall be Actually Paid, or Secured to be paid, in manner as aforesaid SHALL during the Continuance of the Said Duty by this Act, be Exempted of the Duty of Excise, laid by an Act, Intituled an Act for Laying an Excise on all Strong Liquors retailed in this Colony, Passed in the Twelfth year of her late Majesty's Reign, the Said Act, or any other Law to the Contrary thereof notwithstanding.

BE it further Enacted by the Authority aforesaid, That every Person and Persons, Carrying, Sending, or Transporting any Strouds or other Cloaths to Oswego, Onyda, Cajobga, Tuscorora, Onondago or Senecas, whether Sold or with Intent to Sell the Same to the Indians, Shall first Report or Enter with the Commissioners aforesaid, or one of them, or one of their Deputies, the full, exact, and distinct Quantity thereof, and at the Same time Enter into Recognizance to our Sovereign Lord the King, with one or more Sufficient Surety or Surety's according to the discretion of the Commissioner or Commissioners, or his or their Deputy or Deputy's to the Effect following (That is to say) MEMORANDUM on the                      Day of  
in the year of our Lord                      then A. B.  
appeared before me                      one of the Commissioners

appointed by an Act of the General Assembly of this Colony, for managing, Securing & Collecting the Duties on Indian Goods & Rum, and did acknowledge himself Indebted unto our Sovereign Lord the King his Heirs and Successors in the Sum of Fifty Pounds current money of this Colony, To be Levied on all & Singular Lands, & Tenements, Goods &

Chattels, and also appeared as aforesaid, and did acknowledge to be Indebted to our Sovereign Lord

the King his heirs and Successors in the Sum of Fifty Pounds, To be Levied on all & Singular Lands, & Tenements, Goods & Chattels, on the condition following. THAT if the above Bounden A. B. shall on or before the Day of

next Pay or cause to be paid unto the above named Commissioners, or one of Them, the full Sum of

Current money of this Colony, as also that He shall not and will not at any time hereafter, directly or indirectly, Defraud, Cheat, or abuse, any Indian or Indians whatsoever, in any kind or Sort of Dealing or Trading with them Especially by mixing, or knowing the Same to have been mixed, or putting WATER or other Small Liquors into any of the Rum or other distilled Liquors He, Shall Sell or Truck with Them or any of Them at Oswego, or Elsewhere, and Shall not or will not, wittingly or willingly, Hurt, Injure, or in any wise Personally abuse or misbehave himself towards any of the Said Indian or Indians Then this Recognizance to be void, otherwise to Stand and remain in full Force.

AND BE IT ENACTED by the Authority aforesaid That the Commissioners of the Said Duties, Shall be and hereby are fully Authorized and Impowered to take the Several Recognizances, as hereby directed to be taken before them, and that Such Recognizance or Recognizances, Shall be as good and Effectual in Law, as if the Same had been before any one of the Justices of the Supreme Court in this Colony, any Law or Practice to the Contrary in any wise notwithstanding.

AND for the more Effectual Securing of the Duties Imposed by this Act, on Strouds, Cloaths, Rum, or other distilled Liquors, Be it Enacted by the Authority aforesaid, That all Persons Sending, Carrying, or Transporting, the Said Goods or any of Them to Oswego, Shall besides Entering into Recognizance for the Duty thereof, take a Certificate from the Commissioners of the Said Duties, or their Deputies, that the Duties are Secured of the Several Quantity's & Species to be mentioned therein, and to



Certify in the Same, that the Party has taken the Oath herein after Prescribed which Certificates the Said Commissioners or their Deputy, are hereby required to give, which Certificate or Certificates are to be produced and Delivered to the Commissary, or to the Commanding Officer at Oswego, for the time being, and if any Trader or any other person shall presume to carry, any of the aforesaid goods without Such Certificate, or more than shall be mentioned therein the Same shall be Forfeited to his Majesty, his Heirs & Successors, one half thereof for the Benefit of the Said Commissary or Commanding Officer, or any other Person that Shall Seize the Same, and the other half to & FOR the use of the Said Trading House at Oswego, and it Shall and may be Lawfull for Them, or Either of Them, to make Seizure accordingly, and to Dispose of the Goods so Seized for the use above Mentioned.

AND be it further Enacted by the Authority aforesaid, That the Said Commissioners and Each of Them are Authorized & Impowered and are hereby Enjoyed and Required, before he, or they grant Such Licence, To administer an oath unto every Such Indian Trader to the Effect following, That is to Say. I. A. B. do Solemnly Swear in the Presence of Almighty God (or if a Quaker) Sincerely & Truly declare & Affirm, that I will not henceforth at any time, During the Continuance of my Licence & absence from Home by my Self, neither shall my Agent, Deputy Factor, or Partner, with my knowledge or Conivance, Sell or Truck, or cause to be Sold & Trucked to any Indian or Indians whatsoever, any Unmerchantable Rum or other Distilled Liquors, nor will I directly or Indirectly, by any ways or means whatsoever, knowingly or willingly deceive, Defraud, or Impose upon Them or any of Them, by Selling any Unmerchantable Rum or other Distilled Liquors, with whom my Self, or any one for me, shall hereafter, Buy, Sell, Truck, or Traffick, or any wise deal or Trade, and I do further Swear, that of all the Rum, or other distilled Liquors, which I shall Send, or carry to Oswego, I shall enter the full Quantity thereof, with one of the Commissioners of the Oswego Duties or with one of their Deputies, So help me God, and of the Quantity so Sworn to, the Said Commissioners, or the Said Deputy, is to allow Duty Free, the Ten per Cent allowed by this Act for the use herein before Mentioned.

AND be it further Enacted by the Authority aforesaid, That every Such Indian Trader as aforesaid, Shall be obliged, and hereby is Enjoyed to take the oath above mentioned, at the

Same time, he, She, or They, shall receive, his, her, or their Licence to Trade, and if any Such Indian Trader or Traders, Shall afterwards be convicted, by the oath of one or MORE credible Witness or Witnesses, before the Said Commissioners or any of his Majesties Justices of the Peace for the County of Albany, who are hereby Authorized and required to hear & determine the Same, of a willfull Breach of his Said oath, or Affirmation, He or they so convicted Shall by warrant, under the Hands & Seals of the Said Commissioners, or Such Justices of the Peace, be Immediately committed to the common Goal of the Said County, there to remain without Bail or Main Prize for the Time of Three Months, and be Entirely Incapacitated by himself, or by any Agent or Agents, directly or Indirectly to: Deal or Trade with the Indians for the Space of two years, after Such Commitment, and Shall also Forfeit the Sum of Twenty five pounds (over and above the Penalty of the Said Recognizance) one half to the Prosecutor, and the other half to and for the use of the Said Trading House at oswego, To be Sued for & Recovered before the Said Commissioners or any one of his Majesties Justices of the Peace for the Said County of Albany in manner aforesaid.

AND to prevent more Effectually Selling of Rum or other Distilled Liquors which are Unmerchantable, Adulterated, or mixed with water, to the Said Indians or any of Them, Be it Enacted by the Authority aforesaid, that from and after the Commencement, and during the Continuance of this Act, It shall be Lawfull for the Commissary, Residing or to Reside at oswego, or in his absence, for the Commanding Officer there, and the Said Commissary, or Commanding Officer are hereby required to Examine, Taste & prove, once every Week or oftener, all the Rum, or other Distilled Liquors, that are or shall be brought to oswego, And if upon Such Examination or Examinations, any Such Liquors Shall be found, That are not really Good & Merchantable, the Said Commissary or officer is hereby required to Seize the Same, and thereupon Immediately take to his Assistance two or more Credible Traders, to Taste and Prove the Said Liquors so Seized, and if they find the Same to be Adulterated or Unmerchantable, They are to Certify it under their hands, and thereupon Such LIQUOR being so Certifyed, Shall be and hereby is declared Forfeited, and the Commissary, or Commanding officer is hereby further required Immediately, and in the Presence of the Traders & Indians, which shall then be present,



To pour out on the Ground, or into the River or Lake, all & every Drop of Such Forfeited Liquors, whether the Same be in Cags or any other Vessel

AND to the End that no Unmerchable Rum or other Distilled Liquors, be Clandestinely, or otherwise Sold unto the Indians at Oswego, Be it Enacted by the Authority aforesaid, That if any Indian or Indians Should during the Continuance of this Act, complain to the Commissary, or in his absence to the Commanding Officer, That any of our Traders have Sold or Delivered to Such Indian or Indians any Rum or other Distilled Liquors, that have been Adulterated, or Unmerchable, the Said Commissary or Commanding Officer Shall be & hereby is Impowered & Required Immediately to Taste, Prove, and Examine the Rum or other Distilled Liquors so Complained of as Likewise all other Rum, or other Distilled Liquors Sold to the Indians & Suspected to have been Adulterated, and finding the Same to be unmerchable, the Said Commissary or Commanding officer is Immediately to Seize the Same, & to proceed thereon in the Same manner as is above directed, and being Certify'd by the Said Traders, That the Rum or other Distilled Liquors so Sold or found are unmerchable, the Same shall be Immediately Poured out & Destroyed in the manner as in & by the aforesaid Clause is ordered & Directed and the Trader or Traders who have Sold or delivered Such Rum or other Distilled Liquors, Shall & hereby are obliged to Deliver unto the Indian or Indians He, or they Sold or Delivered Such Adulterated or Unmerchable Liquors to, a Like Quantity of good & Merchable Rum, or other Distilled Liquors in Liew thereof, unless the Said Commissary & Traders Shall have good cause to Suspect, that Such Adulteration was committed after Such Liquors were Sold & delivered to the Indians.

AND to prevent the Eluding the foregoing Clauses the General ASSEMBLY pray it may be Enacted, and be it Enacted by the Authority aforesaid, That the Said Commanding officer Shall from time to time Permit the Said Commissary to Examine, Taste, and Prove all the Rum & other Distilled Liquors, That are or shall be in the Trading House at Oswego, & upon Such Examination all the Rum, or other Distilled Liquors, which shall be found in the Same, not to be really good & Merchable, Shall likewise be & hereby are Declared Forfeited, and Such Liquor is to be destroyed & Proceeded against in the Same Manner, as in the Last Clauses is Directed

AND for the more Effectual preventing the Adulterating of Rum or Other distilled Liquors, carryed or Sold at Oswego, Be it Enacted by the Authority aforesaid, That the Person or Persons in whose Possession Such Adulterated or Unmerchantable Rum or other distilled Liquors as aforesaid, Shall be found Shall Forfeit to his Majesty, his Heirs & Successors, not only the full Sum of what Such Quantity of merchantable Rum or other distilled Liquors, shall then be Sold for, or Valued at Oswego, but likewise, the further Sum of Thirty Pounds current money of this Colony, to be recovered & applyed in manner aforesaid.

AND for as much as Several of the Persons going to Trade with the Indians at Oswego, Employ Indian Interpreters whereby they have the Advantage to Engross a great part of the Trade there, which ought to be of equal Benefit to the Traders in General, Be it Enacted by the Authority aforesaid, That if during the Continuance of this Act, any of the Said Traders Shall Employ any Indian Interpreter, at Oswego, He or they so Employing an Indian Interpreter there, Shall Forfeit for every Such offence, the Sum of Twenty Pounds, current money of this Colony, to be recovered & applyed in manner as aforesaid.

AND for the more Orderly Managing of the Trade at Oswego, Be it Enacted by the Authority aforesaid, That all Persons going to Trade with the Indians at Oswego, Shall fix their Hutts in Such Place, as the Commissary or in HIS absence the Commanding Officer, Shall order & Direct, and they are hereby Required, not to Fix them within one Hundred yards of the Said Garrison, and if any of the Said Traders, Shall build or fix their Hutts, in any other Place than is hereby Directed, every Person presuming to do the Same, Shall Forfeit the Sum of Ten pounds to his Majesty, his Heirs & Successors, and when any Indians are Trading at Oswego, the Commanding officer for the time being do order one or more Centinels to prevent all & every of our Traders from using any manner of Art or Compulsion to Engage or forestall the Trade of the Said Indians, and if any of the Traders Shall notwithstanding make use of any Such Art or Compulsion every Such Trader Shall forfeit the Sum of Ten pounds, and that if any of the Traders, Shall upon the Appearing of one or more Canoes with Indians on the Lake, go with his or their Canoe or other Vessel, and Shall Either Trade with Such Indians or take their Beaver or other Skins into Possession, or hinder Such Indians from carrying Such Beaver or Skins into their own Hutts, all & Every of the Said Traders, who shall use



Such Anticipating or Compulsive means, Shall forfeit the Sum of Twenty pounds, current money of this Colony, to be recovered & applied in manner as aforesaid.

AND be it Enacted by the Same Authority, that the Commissary, or in his absence, the Commanding officer Shall Assign a Place for the Indians to fix their Hutts, and that He use all proper means to prevent the Indians from being Ill used or in any manner of way compelled to Trade, or act contrary to their own Inclinations, and that they be at full Liberty to Trade for what and with whom They please.

AND WHEREAS at the Season of the year for breaking up the Indian Trade at Oswego, most of the Hutts or Houses built at the Expense and Labour of the Traders, which have been left Standing, at their departure from Thence, and which are necessary for carrying on the Said Trade, have BEFORE the Trading Season of the year following, been almost pulled down, and destroyed, by the Rudeness and misbehaviour of Some of the Common Soldiers Posted there, Therefore to prevent Such Irregularity's for the future, the General Assembly pray that his Excellency the Governour or Commander in Chief for the time being, would be pleased to Order & Direct, the officer Posted there, To forbid & prevent all & every Such common Soldier and Soldiers under his Command from Committing Such Outrage and Offences, under Such Penalty or Punishment as his Said Excellency Shall Judge reasonable to Inflict on Such offenders.

AND BE IT ENACTED by the Authority aforesaid, That if any other Person or Persons, Shall burn or destroy, any of the Trading Houses, He, or They shall respectively, for every Such offence Forfeit the Sum of Six pounds Current money of this Colony, To be recovered in manner aforesaid, by any Person that shall Sue for the Same before any Justice of the Peace within the County of Albany, one half of the Said Forfeiture to belong to the Person that shall Sue for the Same, and the other half for and Towards Supporting the Trading House as Oswego.

AND be it further Enacted by the Authority aforesaid that Such Person or Persons, as the Governour or Commander in Chief for the time being, with the Advice & Consent of the Council Shall Nominate and appoint, Shall be Commissary at Oswego, during the usual Trading Season there.

AND WHEREAS it has been found by Experience that when a Commissary at Oswego, hath been appointed a Justice of the Peace, it has contributed very much to the well regulating the

Trade there, the General Assembly therefore pray, That the Commissary for the time being may by a distinct Commission be appointed a Justice of the Peace at oswego, and the District properly belonging to it, during the Trading Season there, and that He may have the Sole Inspection, Ordering & Regulating the Indian Trade & Traders there according to the Several Directions in this Act.

BE IT THEREFORE ENACTED by the Authority aforesaid that when the Said Commisary, Shall be so appointed a Justice of the Peace, He shall during all the Time he is, or Resides at oswego, have the Sole Inspection, Ordering and Regulating the Indian Trade & Traders, who shall be or come to that Place, and the district Properly belonging to it, according to the Several Powers & Directions of this Act, and when any dispute shall happen to arise there between the Traders & the Indians Trading with Them, He likewise Shall have full Power & Authority to hear & determine the Same, and his Judgment or Judgments to be given thereon Shall be final (Unless otherwise provided by this Act) And Such Trader or Traders, as Shall not be concluded thereby, and Comply therewith, Shall Forfeit unto his Majesty, his Heirs and Successors, The Sum of Ten pounds current money of this Colony, to be recovered in any Court of Record within this Colony, by Bill, Plaint, or Information, wherein no Essoyn, Protection or Wager of Law or more than one Impar lance Shall be allowed, one half to the Person that Shall Sue for & prosecute the Same to Effect, and the other half for Supporting the Said Trading House at oswego, and a Certificate of the Fact under the hand & Seal of the Said Justice of the Peace, Shall in this case be allowed good & Sufficient Proof, and it shall & may be Lawfull also, for the Said Justice to hear and Determine Differences between Trader and Traders, and if the Sum in Controversy do not Exceed Forty Shillings his Judgment thereon, Shall be final & Conclusive to the Parties, but if the matter in Difference Exceed that Sum, an Appeal Shall Lye, and be allowed of According to Law.

AND be it Enacted by the Authority aforesaid, that neither the commanding officer, or any other officer, Drummer, or private Soldier, posted or to be posted at oswego, or the Commissary, or Doctor residing there, under Pay or Sallary, Shall Trade Directly or Indirectly, with the Indians at THAT Place Either on his or their Accompt, or for the use of any other Person or persons whatsoever, and if Such Commanding officer, Commis-



sary or Doctor, or any of Them, Shall nevertheless presume to trade with the Indians there, He, or They so Offending, Shall respectively Forfeit the Sum of Fifty Pounds, to his Majesty, his Heirs & Successors, and if any under officer, Drummer, or Private Soldier, Shall Presume so to Trade, all the Goods where-with He or They so Trade, or have so Traded for, Shall be Immediately Seized by the Said Commissary, or Commanding officer, or any of the Traders, and be Forfeited to his Majesty, his Heirs & Successors, to be recovered & applied as hereinafter is directed, and if the Said Commissary, or in his absence the Commanding officer, Shall Presume to Compromise any of the offences against this Act, whereby the Facts might be Stifled, He shall be Liable to Forfeit the Same Fine or Penalty, to which the Party is or was Subject to, for the offence so Compromised or made up with him, and Such making up Shall in no wise Exempt the offender from the Fine or Penalty Incurred by him.

AND be it further Enacted by the Authority aforesaid, That all and Every the Fines, Penalties & Forfeitures above mentioned, and not otherwise Provided for in this Act, Shall & may be recovered by the Said Commissary, or any other Person or Persons, in any Court of Record within this Colony, by Bill, Plaint, or Information, wherein no Essoyn, Protection, or Wager of Law, or more than one Impar lance Shall be allowed, one half whereof to & for the use of the Person, That shall Sue for & Prosecute the Same to Effect, and the other half to and for the use & Support of the Trading House at Oswego.

AND be it further Enacted by the Authority aforesaid, That if the Commissary so to be appointed, to Reside at Oswego, or any of the before named Commissioners, or any other Person or Persons, Shall be Sued, for what He, or They shall do, in the Execution of this Act, He or they may Plead the General Issue AND give the Special matter in Evidence, for his & their Excuse & Justification, and if the Plaintiff or Plaintiffs Shall be nonsuted, discontinue, or withdraw his or their Action or Actions, or if a Verdict pass against him or them, the Defendant or Defendants Shall recover and be allowed by the Court, where Such Action or Actions, Shall be brought or Tried, his or their Treble Costs, which he or they Shall have Sustained, by reason of his or their wrongfull Vexation in defence of Such Action or Actions, for which the Defendant or Defendants, Shall have like Remedy, as in other Cases, where Costs are given or allowed to Defendants.

AND WHEREAS the Six Nations of Indians have often as well in their Publick Treaties, as otherwise desired that no Rum might be carryed to their Country, by reason it makes their young Men unruly, & prevents their going to Hunt for Beaver, and it being apprehended, That the Carrying Strong Liquors among Them for Sale, may one time or other be attended with very Pernitious Consequences, Be it Enacted by the Authority aforesaid, That if any of the herein before named Traders, or any other Person or Persons whatsoever Shall Sell to the Six nations of Indians in their Respective Countries, any Rum, or other distilled Liquors, they shall for every Such offence, Forfeit the Sum of Twenty Pounds to his Majesty, his Heirs & Successors, to be recovered upon the oath of any one Credible Witness, and applied in the manner herein Mentioned.

AND WHEREAS the General Assembly being very desirous to Support the Said Trading House at Oswego, and to Victual the Troops Posted or to be Posted there, in a good and certain manner, have made a Contract or Agreement with Johan Joost Herkeemer, and Gerrit A. Lansingh, in manner following, to wit, That they the Said Johan Joost Herkeemer, and Gerrit A. Lansingh, for & in consideration of the Annual Sum of Four Hundred and Fifty Six pounds, Current money of this Colony, have undertaken for the Term of two years, to commence from the first Day of November next, To deliver Timely, and at Proper Seasons at the Trading House at Oswego UNTO the commanding officer posted there for the time being, in each of the aforesaid years, at the Sole Cost & Charge of the Said Johan Joost Herkeemer and Gerrit A. Lansingh, the following Quantities of good, Sound, and wholesome Provisions, which are Esteemed Sufficient to victual the usual Number of Troops, Posted or to be Posted there, consisting of Twenty Five Men and a Doctor, for the Term of Fifty two Weeks (That is to Say) Wheat meal one Hundred & Fifty Six Bushells, Pease one Hundred & Seventeen Bushells, Indian Corn, Thirty nine Bushells, Pork, Three Thousand, Two Hundred and Twenty four pounds, Beef, Four Thousand Eight Hundred & Thirty Six Pounds, Rum One Hundred & four Gallons, Sugar, one Hundred & four Pounds. and Candels of Eight & Ten in a Pound, one Hundred & four Pounds, and the Said Commanding officer is upon his receiving the aforesaid Provisions, in Each of the Said Two years, To give a Certificate of the Receipt thereof, wherein is to be mentioned, the Particular Quantity's & Species, and the time when the Same are



so received, which Certificates are to be Vouchers to the Said Victuallers of their having Performed Such part of their Contract

AND for the Annual Relief of the before Mentioned Troops to consist of Twenty Five Men, and a Doctor, the Said Victuallers are to furnish at the Town of Schenectady, at Such proper time & Season, as the Governour, or Commander in Chief for the Time being Shall think fit to order & direct, in each of the Said Two years, at their own proper Costs & Charges, the following Species, & Quantities of good, Sound & wholesome Provisions, (that is to Say) Brown Bisket one Thousand & Fifty pounds, Pease Thirteen Bushells & a half, Pork Seven Hundred & Fifty pounds, And Rum Twelve Gallons, out of which the Troops going up to Relieve the others at oswego are to be Subsisted at Schenectady, the Remainder to be carryed with Them to oswego, & out of it to be taken so much as will Subsist the Relieved Troops to Schenectady, and the Remainder, (if any) be left at oswego of all WHICH a Certificate is to be given by the Commanding officer in manner as above said.

That in case the Said Victualers deliver any kind of Fresh meat at oswego, They are to be at the Sole Cost & Charge, to furnish Cask to put it in, & Salt to preserve the Same, and to cause the Same to be well preserved, so that it may hold good & Sound a whole year, and all other Provisions to be delivered by them or any of them, to be good in their kind, and keep good & Sound during the Said Space of Time.

THAT they Shall also provide at their own Proper Cost & Charge, Caggs to put the Rum in and Bags to Transport the Meal, Pease, Corn, Sugar, and Bread to oswego, during the Said two years.

THAT They Shall likewise Annually during the Said two years furnish at their own Charge, a Sufficient number of Battoes, not only to Transport, the Said Twenty five Men and a Doctor, Together with their Baggage, but likewise provide two able Men to Assist in going to and coming from oswego.

THAT They shall also annually during the Said two years Provide at their own proper Cost & Charge, Waggons to carry the Baggage of the Said Twenty five Men & Doctor, from Albany to Schenectady, and in like manner from Schenectady to Albany, when they are Relieved as aforesaid, and also to find Sleds or other Carriages, to Transport the Said Battoes & Baggage over the Carrying Places, forward & backward, always provided that

the Soldiers march on foot between Albany & Schenectady & over the Carrying Places.

THAT all other Cost & Charges which Shall arise or may be required to Transport the aforesaid Provisions Men & Baggage, either by Land or Water, from Albany & Schenectady to Oswego & back as aforesaid, Shall be altogether born by the Said Victuallers and paid by Them.

AND the Said Victuallers are obliged Either to give Bond with Sufficient Securities or Enter into Recognizances with the like Securities for the Due performance of all the Particulars undertaken to be Performed on their Parts.

AND for as much as it is conceived That the Said Contract will fully answer the Ends proposed by it, Be it Enacted by the Authority aforesaid, that the Same and every part thereof, Shall be and hereby is Ratified & confirmed, to all Intents & Purposes whatsoever, and the Said Victuallers are hereby required to Enter into Such Recognizances as is before Mentioned before the Commissioners aforesaid, who are hereby Authorized to take the Same within Forty days after the Commencement of this Act.

AND Inasmuch as Beef & Pork, by being Salted looses considerably in Weight, be it Enacted by the Authority aforesaid, That of Beef & Pork, to be Issued weekly to the Troops at Oswego, there shall be no more allowed than Fifteen Ounces for every Pound.

AND be it further Enacted by the Authority Aforesaid that out of the money to arise by virtue of this Act, The Sum of Five Hundred & Seventy one Pounds, Shall be annually Paid & applied for the Term of two years from the first day of November next, To the first day of November which will be in the year of our Lord, one Thousand Seven Hundred & Forty Six, for the uses and purposes aforesaid, in manner hereinafter Mentioned (That is to Say)

TO Johan Joost Herkeemer & Gerrit A. Lansingh for the Performance of the aforesaid Contract, The annual Sum of Four Hundred & Fifty Six pounds, which Said Sum it to be paid half yearly to the Said Contractors During the Continuance of this Act.

TO a Doctor to Reside & Attend on the Troops at Oswego, yearly a Sum not Exceeding the Sum of Forty five pounds.

TO the Doctor for Medicines for each year not Exceeding the Sum of Ten pounds



FOR Incidents to be paid by the Commissioners of the Oswego Duty & to be accounted for by Them, a Sum not Exceeding the Sum of Twenty Pounds.

TO a Commissary for Inspecting & Regulating the Traders at Oswego during the Trading Season there, not less than four Months, between the months of APRIL and August, the Sum of Forty pounds, which Several Articles do amount in the whole to the aforesaid Sum of Five Hundred & Seventy one Pounds

AND be it Enacted by the Authority aforesaid, that the Treasurer of this Colony, Shall out of the Moneys to arise by this Act, Pay & discharge all Such Warrants, as Shall be Issued in Council by virtue thereof, to Such Person or Persons, as the Same Shall be made Payable to by this Act, & proper Receipts being Endorsed thereon, by Such Person or Persons, Shall be a good & Sufficient discharge in Law, to the Said Treasurer, for so much as Shall be mentioned and Expressed therein Provided the Same do not Exceed the respective Sums herein before mentioned.

AND be it further Enacted by the Authority aforesaid, That of all the Several & respective Sums of Money, which the Said Treasurer, Shall Receive & Pay by virtue of this Act, He shall keep Exact & Distinct Books, and render true Accounts thereof upon oath, To the Governour for the time being, to the Council, or to the General Assembly, when by them or any of them thereunto required.

AND be it Enacted by the Authority aforesaid That if on the first day of November, in this Present year, One Thousand Seven Hundred & Forty four, There shall remain any overplus of the money Raised by the Duties Imposed by any former Acts of the General Assembly on the Trade of Oswego, The Same Shall be Employed for and Towards the Payment of the charges in this Act before mentioned, and if it appears that there is any Deficiency, or that the Duties Imposed by the Said former Acts of the General Assembly, have not been Sufficient to defray the Charges in the Said Acts mentioned, the Same are to be Supplied out of the Monies that Shall arise by this Act, any Law, usage, or Custom to the Contrary thereof in any wise notwithstanding

AND be it further Enacted by the Same Authority, That all the Recognizances Entred into, as Like wise all Bills & Bonds Entred into for Duties of Rum or Strouds by former Acts, which may remain unpaid, are hereby Declared to be in full Force &

virtue, to all Intents constructions & Purposes whatsoever, notwithstanding the Expiration of the Acts, whereby the Said Duties have been Imposed, and all Such Recognizances, Bills & Bonds, and likewise those to be taken by virtue of this Act, as Shall not Duely be discharged, the Said Commissioners are hereby required, Authorized & Impowered, Either to put the Same in Sute, or to Send Them to the Attorney General for that purpose.

AND be it Enacted by the Authority aforesaid, That if the Duties hereby appropriated, for the use herein mentioned, Shall at the Determination of this Act, Exceed the Cost & Charge of the Supporting the Troops & House at Oswego, and the Contingencies Attending the Same, During that Time all Such Overplus Shall be Employed for & Towards repaying the money formerly borrowed from the Excise for that use, as by Act or Acts of the General Assembly, hereafter to be Passed for that Purpose, Shall be ordered & Directed, any thing herein to the Contrary thereof notwithstanding.

WHEREAS it is represented, that the Schagkook Indians have in their Publick Speeches, desired that no Rum, might be Sold to them, at or near their Castle, and that the Farmers Living thereabouts, are not less desirous of it, because they often Sustain considerable Damage from the Said Indians, when they are Intoxicated with Strong Liquors, Be it further Enacted by the Authority aforesaid, That every Person & Persons, who Shall presume to Sell or Dispose of any Rum, or other Distilled Liquors, during the Continuance of this Act, to any Indian or Indians, within four Miles distance round the church at Schagkook, Shall for every Such offence, Forfeit to his Majesty his Heirs & Successors, the Sum of Twenty pounds, current money of this Colony, to be recovered in any Court of Record within the Same, one half whereof to the Person or PERSONS who Shall Sue for & Prosecute the Same to Effect, and the other half to be paid to the Treasurer of this Colony, To & for the Support of the Trading House at Oswego.

AND be it Enacted by the Same Authority that this Act Shall be & remain of Force, from the first day of November, in this present year, one Thousand Seven Hundred & Forty four, Until the first day of November which will be in the year, one Thousand Seven Hundred & Forty Six.



## [CHAPTER 765.]

[Chapter 765, of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 1, 1745.]

An Act to Let to Farm the Excise on Strong Liquors Retailled in this Colony, from the first of November One Thousand Seven Hundred & Forty four, To the first Day of November One Thousand Seven Hundred & Forty five.

[Passed September 1, 1744.]

WHEREAS by an Act of the General Assembly, Intituled an Act for Laying an Excise on all Strong Liquors retailled in this Colony, Passed in the Twelfth year of the Reign of her Late Majesty QUEEN ANNE, There was given and granted to her Said Majesty, her Heirs & Successors, A duty of Excise on all Strong Liquors retailled in this Colony, From the first of November, One Thousand Seven Hundred & Fourteen, To the first Day of November, One Thousand Seven Hundred & Thirty four, For the Uses and Purposes in the Said Act Particularly Mentioned, Which said Duty of Excise hath by Several Subsequent Acts been further Continued from the Said first day of November One Thousand Seven Hundred & Thirty four, To the first day of November which will be in the year of Our Lord, One Thousand Seven Hundred & Fifty Seven.

AND WHEREAS Sundry Persons have by Themselves or by others in their behalfs, Offered & Engaged to Pay for the Said Duty of Excise in the Cities and Counties of this Colony, from the first day of November in this Present year One Thousand Seven Hundred & Forty four, To the first day of November which will be in the year of our Lord One Thousand Seven Hundred & Forty five, Such Rates as are Conceived more beneficial then to Let the Same to farm in any other manner.

BE it therefore Enacted by his Excellency the Governour, the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Persons herein after named, Shall be the Farmers of the Said Duty of Excise, from & to the time Last mentioned, in the respective Cities & Counties of this Colony, and to have & receive the Benefits thereof at THE Rates & for the Several Sums of Money following, That is to Say

Edward Man and William Gilbert for the City & County of New York for the Sum of Five Hundred & Seventy Pounds.

John Waters for the City & County of Albany for the Sum of One Hundred & Forty Pounds.

Jacobus De Bevois Junr. Hendrick Remse & Barent Andrisen for Kings County for the Sum of Thirty Six Pounds.

John Butler for Queens County for the Sum of Eighty five Pounds.

Isaac Brush for Suffolk County for the Sum of Sixty Six Pounds.

Henry Livingston & Anthony Yelverton for Dutchess County for the Sum of Twenty Three Pounds.

Jonathan Haesbrook & Abraham Van Gaesbeck for Ulster County for the Sum of Thirty one Pounds.

Paul Micheaux for Richmond County for the Sum of Sixteen Pounds.

Samuel Gale & Jacobus Blavelt for Orrange County for the Sum of Twelve Pounds.

Philip Pell, Jonathan Lawrence and Samuel Purdy for Westchester County for the Sum of Fifty Pounds.

AND for the Effectual Securing the Several Payments before Mentioned. Be it Enacted by the Authority aforesaid, That the Several Farmers before named, Shall be & hereby are Required & obliged on or before the first Day of November next, Severally to Enter into the following Recognizances before any Judge of the Supreme Court, or of the Inferior Courts to his Majesty, His Heirs & Successors, with Sufficient Sureties, that is to Say.

Edward Man & William Gilbert in the Penal Sum of Eleven Hundred & Forty Pounds Current Money of this Colony.

John Waters in the Penal Sum of Two Hundred & Eighty Pounds.

Jacobus De Bevois Hendrick Remse & Barent Andrisen in the Penal Sum of Seventy two Pounds.

JOHN BUTLER in the Penal Sum of One Hundred & Seventy Pounds.

Isaac Brush in the Penal Sum of One Hundred & Thirty two Pounds.

Henry Livingston & Anthony Yelverton in the Penal Sum of Forty Six Pounds.

Jonathan Haesbrock & Abraham Van Gaesbeck in the Penal Sum of Sixty two Pounds.

Paul Micheaux in the Penal Sum of Thirty two Pounds.



Samuel Gale & Jacobus Blavelt in the penal Sum of Twenty four Pounds.

Philip Pell, Jonathan Lawrence, & Samuel Purdy in the Penal Sum of One Hundred Pounds.

CONDITIONED That Each of the Said Farmers Shall well & Truly Pay to the Treasurer of this Colony, the Respective Sums they have Severally Farmed the Said Duty of Excise at, in two equal half yearly Payments That is to Say, One half thereof on the first day of May next Ensueing and the other half thereof, on or before the first day of November, which will be in the year of our Lord One Thousand Seven Hundred & Forty five, And the Judge or Judges before whom Such Recognizance or Recognizances are taken, are hereby required to Transmit the Same with all Convenient Expedition to the Said Treasurer, with whom They are to Remain until they Shall be Discharged

AND to the End the Several before named Farmers, may have the full Benefit of the Said Duty of Excise from & to the time before Mentioned, Be it Enacted by the Authority aforesaid That they and each of Them, & each and every of their Executors, Administrators and Assigns, Shall be and hereby are Vested, with all & Singular the Powers & Authority's for gathering, Collecting, & Recovering the Said Duties, and Forfeitures Imposed in the Said Act, in the Respective Places, the Said EXCISE is hereby Farmed to them, which in & by the Same are granted and Allowed to Farmers of the Said Excise, in as full ample & Effectual manner, To all Intents Constructions & Purposes, whatsoever, as if the Several Clauses relating thereto in the Act aforesaid, had been at Large Incerted & Enacted in the Body of this Act.

AND WHEREAS Several People & more Particularly in the City of New York, have frequently Presumed to Retail Strong Liquors in their Houses without being duely Lyncensed for that Purpose, and whereas Such Persons as aforesaid as Likewise Several Others who were duely Licensed to Retail, not only Sold Strong Liquors to Slaves, but often Entertained great Numbers of Them at their Houses, or Suffered them to be Entertained there, which Tempted & Encouraged the Said Slaves, to Rob their Masters & others, for Supporting the Expence of Such Vile Practices, and at the Same time Contributed very much to form the Late wicked Conspiracy for Burning the Houses and Murdering the Inhabitants of the Said City.

FOR REMEDY of which Dangerous Evils, Be it Enacted by the Authority aforesaid, That no Person or Persons whatsoever,

Shall be allowed or Permitted to Retail any manner of Strong Liquors in their Houses or Elsewhere at any time during the Continuance of this Act, until He, she, or they have first Entered into Recognizance, that is to Say, In the Cities of New York & Albany, before the respective Mayors thereof, and in all the Several Counties of this Colony, before two Justices of the Peace, in the Penal Sum of Twenty Pounds, with Sufficient Security in the Like Sum, Conditioned to keep an orderly House according to Law, during the Time they shall be so Licenced to Retail as aforesaid, and thereupon the respective Mayors, or the Said Justices, Shall Grant to the Person or Persons, who have Entred into Such Recognizance, a Licence under his or their Hands & Seals, to retail Strong Liquors in Such House or Place to be Mentioned therein, at any time or times During the Continuance of this Act, Which Recognizances are to be Lodged by the Person or Persons, before whom the Same are taken, vizt. In the Citys of New York & Albany with the Town Clerks, and in the Counties with the respective Clerks thereof, And upon Complaint made of the Breach of the Said Condition, it shall be Lawfull for the Said Mayors & Aldermen of New York & Albany, or the greater Number of them, and in the Counties for the Justices at the General or Special Sessions of the Peace to Suppress the Licence or Licences of Such Offender or offenders.

BE it further Enacted by the Same Authority that no Person or Persons who have Obtained Such Licence as aforesaid Shall be Permitted to Retail Strong Liquors, before He, she or they, have Agreed for the Excise with Such Farmer, or Farmers, as have taken the Excise in the Place, where He, She, or they Intend to Retail, and Secure to him or them the Payment of the Sum agreed on, by Bond or otherwise, at the Discretion of the Said Farmer or Farmers, who are thereupon to give a Permit in writting unto Such Person or Persons to retail Strong Liquors.

BE it Enacted by the Same Authority, That if any Person or Persons, Shall Retail Strong Liquors in this Colony, before He, She or they have Entered into Recognizance & obtained a Licence and Permit in manner as Aforesaid, He, She, or they so offending, Shall not only be Subject and Liable to the Penalties & Forfeitures contained in the before Mentioned Act, but more over Forfeit the Sum of Five Pounds, to be recovered in a Summary Way, In the City's of New York & Albany before the Mayor or Recorder, & one or more Alderman of the Said City's respect-



ively, and in the Counties by any two Justices of the Peace, one whereof to be of the Quorum, and if upon Conviction the Said Forfeiture be not paid, the Same is to be Levied on the Goods & Chattels of the Offender or Offenders by WARRANT under the Hands & Seals of the Persons before whom Such Conviction Shall happen, and if no Goods or Chattels are found on which to Distrain, It shall be Lawfull for the Persons who heard and determined the Cause to Commit the Offender or Offenders to Goal, without Bail or Mainprize for the Space of Three Months, unless the Said Penalties are Sooner Discharged, and the Said respective Magistrates, Shall be & hereby are fully Impowered, Directed and Required to hear and determine, these matters in manner as aforesaid, and to give Judgment, and if need be, to Award Execution thereon, and to Issue a Warrant or Warrants for Committment of offenders as the case may require.

AND That the Expence of being Qualified to Retail may be within the bounds of Moderation, BE it Enacted by the Authority Aforesaid, That no more or greater Sum Shall be Demanded, or Received for a Recognizance and Licence in the City's of New York & Albany, than the usual & Accustomed Fees, and in the respective Counties, than the Sum of Three Shillings.

AND WHEREAS Several Persons, as well in the Said Cities as in the Counties, not being Tavern Keepers, Dispose of Strong Liquors from their Cellars or Stores, under the Quantity of Five Gallons, carryed from thence to other Places, BE it provided & Enacted by the Same Authority, That Such Persons Shall not be obliged to Enter into Recognizance & take Licence in manner as aforesaid, any thing contained in this or the Aforesaid Act to the contrary notwithstanding, But that They & Each of Them Shall nevertheless be & hereby are required & obliged to agree for the Excise with the Respective Farmers thereof, and to Obtain his or their Permit for so doing, before Such Person or Persons shall Retail Strong Liquors without Doors, under the Said Quantity of Five Gallons, and in Default hereof Every offender & offenders SHALL be subject & Lyable to the Penalties & Forfeitures which in Such cases are Directed & Mentioned in & by the Act aforesaid.

AND be it Enacted by the Same Authority, That of all the Penalties, which may arise upon the breach of the Recognizances, hereby directed to be Entred into, One half Shall be to the Informer or Informers, that Shall Sue for & Prosecute the Same to Effect, and the other half Shall be paid to the Treasurer,

and Employed by him to Sink & Cancel Bills of Credit Struck & Issued upon the Duty of Excise, and that all other Forfeitures which may arise by Virtue of this Act, Shall be to the Sole use & benefit of the Farmers Respectively.

AND be it farther Enacted by the Authority aforesaid That all the Moneys to be paid to the Treasurer, by the Several before named Farmers, Shall be Employed for and Towards Cancelling Bills of Credit Struck & Issued upon the Said Duty of Excise, at the Time and in the manner Directed in & by an Act, Intituled an Act farther to continue the Duty of Excise & the Currancy of the Bills of Credit, Emitted thereon, and to Strike Some New Bills for Exchanging Such old ones, as are or may be unfitt to Circulate, Passed in the Thirteenth year of his present Majesties Reign, and to & for no other use or Purpose whatsoever.

[CHAPTER 766.]

[Chapter 766, of Livingston & Smith and Van Schnack, where the act is printed in full. See chapter 1336.]

An Act for the Speedy punishing & releasing Such Persons from Imprisonment as Shall Commit any Criminal offences, under the Degree of grand Larceny.

[Passed September 1. 1744.]

WHEREAS Several Disorderly persons Inhabiting within this Colony, as also many vagrant Persons passing thr'o the Same have often committed divers Misdemeanors, Breaches, of the Peace & other criminal offences under the Degree of grand Larceny, who not being able to procure Bail to appear at the General Sessions of the Peace, & having no Substance of their own, have been a great Expense to Such County's where Such Offenders were committed, in maintaining them in Goal until the General Sessions of the Peace; Whilst at the Same Time their long Imprisonment hath been a great Damage to their Familys who wanted their Labour to Support them; And after all that Expense have often found Means to Escape their deserved Punishment for Remedy whereof.

BE it Enacted by his Excellency the Governour, the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same that from & after the first Day of



December next, if any Person or Persons within this Colony, (Except within the City & County of New York), Shall commit any Misdemeanor, Breach of the Peace or other Criminal offence under the Degree of grand Larceny, & being taken & Committed for the Same to the common Goal, or to the Custody of the Constable of any of the Towns, Mannors or Precincts, within this Colony, where Such offender or offenders shall be taken, & being kept in the Said Goal or in the Custody of Such Constable as aforesaid the full Space of Forty eight Hours from & after Such Committment, shall not give good & Sufficient Bail for his her or their Appearance, at the then next General Sessions of the Peace to be held for the County where Such Offender Shall be in Custody, then & there to Answer the offence or offences, wherewith He, She or they shall be CHARGED; Then & in Such Case it shall & may be Lawfull to and for the Justice of the Peace who committed Such offender or offenders, with the Assistance of two other Justices of the Peace of Such County (one whereof to be of the Quorum) to whom He shall certify the Cause of Such Committment & require them by virtue of this Act to Associate Themselves with him, which they are hereby required to do, And the Said Justices being so met, are hereby Authorized to hear and determine forthwith the offence or offences committed by the Said Offender or Offenders as abovesaid, and the Said offender or offenders being convicted by confession or by the oath of one or more Credible Wittness, the said Justices or two of them agreeing are hereby further Authorized to give Judgment against them, to have Such Corporal Punishment (not extending to Life or Limb) as they in their Discretion Shall think proper, And by their Warrant directed to the Constable of the Town, Mannor, or Precinct, where they hear & Determine the Said offence or offences, Shall cause their Said Judgment to be put in Execution; And after Such offender or offenders Shall have received his, her or their Punishment, being an Inhabitant or Inhabitants of Such County, Shall be Immediately discharged without paying any Fees, but being not an Inhabitant or Inhabitants of Such County, he, she, or they Shall be Transported by Warrant from the Said Justices, to the Place of his, Her, or their last Settlement, or Place of abode, or out of this Colony, which Warrant the Said Justices are hereby Impowered and Directed to Issue

AND be it further Enacted by the Authority Aforesaid that the Charges of Prosecuting, Punishing & Transporting Such offender or offenders as aforesaid, in the manner above mentioned, Shall be defrayed by the respective County or County's, where the Same Shall so happen, and shall be raised levied & paid in the Same manner as their other respective County Charges, so as the whole Charge for each Such offender Exceed not the Sum of Forty Shillings

AND be it further Enacted by the Authority aforesaid that the Justices before whom any Person or Persons, Shall be Convicted of any of the aforesaid offences, Shall be & hereby are Impowered, if they think it Proper, in Lieu of Corporal Punishment to Impose a Fine on Such offender or offenders, not exceeding the Sum of Three pounds, Which Fine or so much thereof as Shall be Sufficient, Shall be applied towards Payment of the Charges of the Prosecution, & the Remainder if any be, shall be paid to the Treasurer of the County, where the Same shall be Imposed for the use of the Said County, anything in this Act to the contrary notwithstanding.

[CHAPTER 767.]

[Chapter 767, of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act for the Speedy Punishing & Releasing Such persons from Imprisonment as Shall Commit any Criminal Offences in the City and County of New York under the Degree of Grand Larceny

[Passed, September 1, 1744.]

WHEREAS not only Several Disorderly Persons Inhabiting in the City of New York, but many Vagrant & Idle Persons passing through the Same from the Neighbouring Counties & Colonies, have often committed Divers misdemeanours, Breaches of the Peace & other Criminal offences under the Degree of Grand Larceny, who not being able to procure Bail to appear at the General Quarter Session of the Peace then next to be held for the Said City & County, and having no Substance of their own have been a great Expense to the Inhabitants thereof in maintaining them in the mean while in Goal, whilst at the Same time their long Imprisonments have been a great Damage to many of their Familys who wanted their Labour to Support



them, & after all that Expense have often found means to Escape their deserved Punishment.

BE it Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same that Such Person or Persons as shall after the first Day of December in this present year, one Thousand Seven Hundred and Forty four Commit any misdemeanour, Breach of the Peace, or other Criminal offence under the Degree of Grand Larceny, within the City & County of New York & being taken & committed to the Common Goal of the Said City, Shall not within Forty Eight hours from & after Such committment give good & Sufficient Bail for his, her or their appearance at the then next General Quarter Sessions of the Peace to be held for the Said City & County, then & there to answer the offence or offences, he, she, or they shall be charged with then & in Such case it shall & may be Lawfull to & for the Mayor Deputy Mayor, Recorder & Aldermen for the time being or any three of Them whereof the Mayor, Deputy Mayor or Recorder to be one, forthwith to hear & Determine the offence or offences committed by such offender or OFFENDERS as abovesaid, and the Said offender or offenders being convicted, by confession, or by the oath of one or more Credible witness, the said Magistrates, or the major part of them, and if only Three appear, any two of them agreeing, are hereby authorized to give Judgment against the Said offender or offenders so convicted as aforesaid, to have & receive Such Corporal Punishment (not Extending to Life or Limb) as they in their discretion Shall think Proper, which Said Judgment they are to cause to be put in Execution by the Publick Whipper of the Said City, or by any other Person that will undertake the Same, and after the Said offender or offenders, Shall have received his or her or their Punishment, being an Inhabitant or Inhabitants of the Said City & County, Shall be Immediately discharged without paying any Fees, but not being Such an Inhabitant or Inhabitants, he, she, or they Shall Immediately be ordered out of the Said City and County to the Place of his, her, or their last Settlement or abode, or out of this Colony, And if any Person or Persons having been so ordered and Commanded out of the Said City and County, as Aforesaid, Shall remain in the Same for the Space of Forty Eight Hours, or Return thereto, within Six months after Such order or Command, Such Person or

Persons so remaining or Returning, Shall be forthwith Apprehended, and again receive Such Corporal Punishment, as the Said Magistrates in their discretion Shall order & Direct (not Extending to Life or Limb) as aforesaid

BE IT FURTHER ENACTED by the Same Authority, that the Charges of Prosecuting & Punishing each Such offender as aforesaid in the manner above mentioned, Shall be raised, Levied & paid in the manner & at the Same time that money is Raised in the City of New York for the maintainance of the Minister & poor of the said City so as THE whole Charge for Prosecuting & Punishing Each Such offender Exceed not the Sum of Twenty Shillings.

AND be it further Enacted by the Same Authority that this Act Shall be Deemed, taken & Esteemed, a Publick Act, and allowed and admitted, as Such in all Courts of Record, and by all Judges and Justices of the Peace, and all other Officers within this Colony.

#### [CHAPTER 768.]

[Chapter 768, of Livingston & Smith, where the act is printed in full. Chapter 768, of Van Schaack, where the title only is printed. See chapters 666, 667 and 745.]

An Act to explain an Act Intituled an Act to prolong the Currency of Bills of Credit, Emittid by virtue of an Act, Intituled an Act, for Emittid Bills of Credit, for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purposes therein Mentioned.

[Passed, September 1, 1744.]

WHEREAS One Act passed in the Eleventh year of his Majesties Reign Intituled an Act for Emittid Bills of Credit for the Payment of the Debts & for the better Support of the Government of this Colony & other Purposes therein mentioned, as also, One other Act passed in the Said Eleventh year of his Majesties Reign, Intituled an Act to Facilitate & Explain the Duty of the Loan Officers in this Colony, were by a Subsequent Act passed in the Seventeenth year of his Majesties Reign, Intituled an Act to prolong the Currency of Bills of Credit, Emittid by virtue of an Act Intituled an Act for Emittid bills of Credit for the Payment of the Debts & for the



better Support of the Government of this Colony, & other Purposes therein mentioned, Inacted to continue & remain of full Force & Virtue, to all Intents, Constructions & Purposes whatsoever until the Third Tuesday in the month of April which will be in the year of our Lord, One Thousand Seven Hundred & Fifty four, AND whereas by the Said Subsequent Act no Power was given to the Loan Officers to Alter the Form of the Mortgages prescribed by the aforesaid Act, Intituled an Act, to Facilitate & Explain the Duty of the Loan Officers in this Colony, from whence many Inconveniencies may arise for preventing whereof

BE it Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, that the Loan officers of the Several City's & County's within this Colony for the Time being, Shall be & hereby are fully Impowered & Authorized to alter the Form of all Such Mortgages, as Shall by them or any of them hereafter be taken in any of their offices, in Relation to the Time & Times of PAYMENT in Such Manner as to make the Same answerable to the true Intent & Meaning of the before mentioned Subsequent Act, anything in any of the above mentioned Acts to the Contrary notwithstanding.

[CHAPTER 769.]

[Chapter 769, of Livingston & Smith and Van Schaack, where the act is printed in full.]

[An Act for Recovering Arrearages of Taxes & Rates in the City and County of Albany.

[Passed, September 1, 1744.]

WHEREAS Some of the Collectors of the City & County of Albany, who have had the Collecting of the Taxes or Rates thereof, having got the money into their Possession, have converted great part thereof to their own Private Uses, who have not Estate to make Reparation, by which means Deficiencies have happened, for remedy whereof.

BE it Enacted by his Excellency the Governour, the Council & the General Assembly, & it is hereby Enacted by the Authority of the Same, That in all Cases where Collectors in the City & County of Albany, have kept back or converted to his or their own use, The whole or part of Such Taxes or Rates

which, He or they have been, or Shall hereafter be Impowered to Collect & that the Same cannot be recovered from the Collector, who Committed the Fraud or Frauds, or from his or their heirs, Executors & Administrators within four Months after the Same, Ought to be Paid, Then & in Such Case the Supervizor or Supervizors, or Such other Person or Persons who did Lay any Original Tax or Rate, or Shall hereafter Lay the Same, in which Such Imbezelments as aforesaid have happened or Shall hereafter Happen, Shall be and hereby are fully Authorized, Impowered and Required to add in the next Succeeding Tax or Rate (of the Same nature) to the Quota or Assessment of Such Ward, Mannor, or Precinct respectively as do & Shall appear to be so in Arrear of former Taxes or Rates as aforesaid, so much as their respective Deficiency Shall amount to, which being so Added to the Said Quota, it is to be Collected therewith, & paid in the Same manner, and to the Same use and uses, as in the Original Tax or Rate is or Shall be Directed.

AND that this Act may be Duely Observed & Complied with Be it further Enacted by the Authorty aforesaid, That the Said Supervizor or SUPERVIZORS or Such other Person or Persons who Lay'd such Tax or Rate as well as the Collectors of the Said City & County, Shall be & hereby are Strictly Charged & Enjoined to comply with the Directions of this Act, & in Default thereof, They & each of Them respectively Shall be Subject & Lyable to the Same Fines & Penalties as in Such Cases are provided by the Several Acts by virtue of which any former Taxes or Rates have been Laid or Assessed.

AND be it Provided & Enacted by the Same Authority that whatever new Levys shall be made by virtue of this Act, Instead of the Deficiencies which have been or shall be Occasioned by the default of Collectors in manner as Aforesaid, the Collector who did or shall commit Such frauds or make Such Default, & his & their Heirs Executors & Administrators Shall be & hereby are made Lyable & Subject to make the Same good, to the Person or Persons damnified thereby, to be recovered with full Cost in any Court of Record within this Colony, by Action of Debt, in which no Essoyn Protection or Wager of Law, or more than one Impar lance Shall be Allowed.



## [CHAPTER 770.]

[Chapter 770, of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 743.]

An Act to Amend part of an Act Intituled an Act further to Fortify the City of Albany & Town of Schonectady & for raising the Sum of Four Hundred & Fifty pounds to Defray the Expence thereof.

[Passed, September 1, 1744.]

WHEREAS by an Act Intituled an Act further to Fortify the City of Albany & Town of Schonectady, & for raising the Sum of Four Hundred & Fifty Pounds to Defray the Expence thereof, It was among other things Enacted that the Justices of the Peace & Captains of the Militia of the Township of Schonectady or the Major part of Them, were Impowered to Fix upon a Line round the Said Town on which to Erect Stock-adoes, and Build Block Houses in Such manner & Places as they Should Judge proper & Necessary which Said Line & Places so fixed & found to be most convenient & Advantageous to Fortify the Said Town of Schonectady, doth Pass over part of the Lotts or Pastures of Private Persons, whereby many Disputes have already arisen.

BE it therefore Enacted by his Excellency the Governour the Council & the General Assembly, & it is hereby Enacted by the Authority of the Same, That it shall & may be Lawfull to & for the Said Justices of the Peace & Captains of the Militia of the Said Township of Schonectady, or the Major part of them to Summons the Owner or Owners of Such Lands before Them & Endeavour in a friendly & Amicable manner to Purchase the Said Lands for the use of the Said Township, at Such Reasonable Rates as they Shall agree on, but if the owner or owners of Such Lands Shall be unwilling to Sell & dispose of the Same for the use aforesaid, or that the Price cannot be agreed on, That then it shall & may be Lawfull to & for the Said Justices or the major part of them to Issue their Warrants under their hands & Seals directed to The Sherif of the County, to Summon, Twelve good & Lawfull Men, To view the Lands & Possessions of Such Person or PERSONS respectively in which Such Fortifications Shall be directed to be Built, and to appraise the Value thereof upon Oath, & the

Damage which the Owner or Owners thereof may Reasonably Suffer by reason of Such Fortifications being thereon Erected, and return the Same to the Said Justices or the Major part of Them, under their hands & Seals, and thereupon the Said Justices, of the Said Township of Schonectady, Shall Transmit under their hands the Appraisement So returned to the Trustees of the Township of Schonectady, who are by virtue of this Act authorized Impowered & Required to cause the Sum so appraised to be paid to the respective owner or owners of the Said Lands within Six Months next after Such Appraisement made returned & Transmitted in manner aforesaid, out of the Publick Townships Money, and upon Such Payment Such Lands & Possessions, Shall be held deemed & Esteemed to belong to the Said Township.

AND be it further Enacted by the Authority aforesaid, that the Said Justices & Captains, Shall cause the Stockadoes Mentioned in the Said Act, to be Set up round the Said Town, as soon as conveniently can be done.

#### [CHAPTER 771.]

[Chapter 771. of Livingston & Smith and Van Schaack, where the title only is printed. Continued by chapter 814.]

#### [An Act for the better Regulating the Militia of this Colony.

[Passed. September 21, 1744.]

WHEREAS a due and proper Regulation of the Militia of this Colony, Tends not only to the Security and Defence thereof, but Likewise to the Honour and Service of his Majesty.

BE IT THEREFORE Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That every Person from Sixteen to Sixty years of age, Shall Inlist himself with the Captain, or in his absence, with the next Commanding Officer, either of the Troop of Horse in the City or County, where He dwells or resides, or in Such Company of Foot, whose Captain or next Commanding officer has the Command thereof, in the City, Town, Borough, Mannor or Precinct where Such Person Shall Reside or Sojourn, under the Penalty of Twenty Shillings for every Three Months, that Such Person Shall remain so unlisted after notice given, & all Captains



of Troops of Horse & Companies of Foot, in the Several Cities, Boroughs, Townships, Mannors & Precincts of this Colony, are hereby Commanded to take Due care to Inlist all Persons from Sixteen to Sixty years of Age, which age in case of Doubt is to be proved by the Oath of the Person, whose age is in Question or the Oath of his Parent or Some other Credible witness, to be taken by the Officer before whom the Dispute Shall happen to be, who shall administer the Same in the Words following.

I. A. B do swear upon the Holy Evangelists of Almighty God, That C. D. SUMMONED before Captain E. F in order to be Inlisted is                      years old and no more, according to the best of my knowledge, So help me God.

WHICH Oath being duly administered by the Captain, or other officer, who hath Summoned such Person before him in order to be Inlisted, & it appearing that he is under Sixteen, He shall be for that Time dismissed, and if any Dispute should arise about Elder Persons, and it appearing that He or they are above the age of Sixty, Such Person or Persons shall be Exempted at all times thereafter, from being so Inlisted.

AND be it Enacted by the Authority aforesaid, That all Captains of Troops of Horse & Companies of Foot. Shall within Three Months from the Commencement of this Act, Provide for their Companies & Troops, Drums and Trumpets, Colours & Banners and Drummers & Trumpetors, at the proper charge of their respective Captains of Troops & Companies, under the Penalty of Six Pounds, and for every Month Such Captain Shall remain unprovided thereof the Sum of Three pounds.

AND be it further Enacted by the Same Authority that the Colonels or Commanding officers of all Regiments, Troops or unregimented Companies within this Colony, Shall at Least once in every year, Issue out their Warrants to their Inferior officers, Commanding him or them to make Diligent Search & Enquiry in their Several Precincts, that all Persons be duly Listed, Armed & Equiped and to return to Them the names of Such Defaulters as he or they shall find, to the End they may be punished according to this Act, and if any Colonel of a Regiment or in his absence the next Commanding officer, or any Captain or Commanding officer of a Troop of Horse, or Unregimented Company, Shall neglect his Duty herein He or they so Neglecting, Shall Forfeit the Sum of Five pounds for such Neglect or Omission.

AND be it further Enacted by the Authority aforesaid, That at least once in every year, or oftener if Occasion shall require & Command be given by the Colonel and in his absence by the next Commanding officer of the respective Regiments, the Several Companies in Each Regiment, Shall meet at the most convenient Places therein to be APPOINTED by the Said Colonel or Commanding officer

And the Independant Troops of Horse and unregimented Companies in the Several Cities & Counties, Shall Likewise meet at Such Place & places as the respective officers thereof Shall appoint to be then & there Mustered & Exercised.

And that every Soldier belonging to the Horse, shall at the time & Place commanded, appear, and be provided with a good Serviceable Horse not less than fourteen hands high, with a good Saddle, Holsters, Housing, Breast Plate & Crupper, a Case of good Pistolls, a good Sword or Hanger, half a Pound of Powder & Twelve Sizable Bullets, a good Hat laced with gold lace, a Blew Coat & Britches with gilt or Brass buttons, a Scarlet Westcoat, a pair of Boots with Suitable Spurs, and a Carabine well fixed with a good belt, Swivel & Bucket: Provided that so much hereof as relates to the Cloathing of Troopers, Shall Extend to the City & County of New York only.

AND be it Provided & Enacted by the Authority aforesaid, That in case of a General Alarm or Invasion, all unregimented or Independant Companies & Troops, Shall in the Absence of the Captain General or Commander in Chief, be under the Immediate Command & Direction of the Colonel, and in his absence the next Commanding Officer of the Regiment of the City or County where such Unregimented or Independant Companies or Troops are or may be, any thing herein to the Contrary hereof notwithstanding.

AND be it further Enacted by the Authority aforesaid, That the Troopers for the City & County of Albany, Shall be Clad in blew Coats, and their Hats Shall be Laced with Silver, and the Number of the Troop in the Said City & County, Shall be Sixty & no more besides Officers: and the Number of all other Troops in this Colony, Shall be Fifty Troopers & no more besides officers

BE it farther Enacted by the Authority aforesaid, That for a constant Supply of Troopers in Each City & County within this Colony, where Troops of Horse have been or are in being, whensoever it shall happen by DEATH or otherwise, that there



be fewer Troopers in Number, than are limited by this Act, and the Same cannot be Supplied by Voluntiers, That then the Captain of Such Troop shall under his hand Certify unto the Colonel of the Regiment of Foot, or in his absence, to the next Commanding officer, in the City or County where Such want Shall happen, how many Troopers are wanting in his List of the Troop under his Command, and thereupon the Said Colonel or next Commanding officer of Such Regiment Shall nominate out of the Same, the number that shall be so wanting as aforesaid, provided that Such Person or Persons so nominated by the Said Colonel, or next Commanding officer, be a Freeholder and not under the age of Twenty one years, upon which Nomination the Person or Persons so nominated shall within the Space of Three Months, Equip themselves as is hereby Directed and every Person that Shall be so nominated to Serve in any of the Troops and Refusing to Equip himself & Serve, He shall for Such offence Forfeit the Sum of Ten pounds, and upon payment thereof, Shall not be Liable to any other or further Forfeiture for any offence respecting the Troop, but shall nevertheless be Subject to Serve in the foot Service, as if no Such nomination had ever been made: And all Troopers already Inlisted, or who shall consent to be Inlisted in manner aforesaid, refusing or neglecting to appear, Shall for every Such offence, Forfeit the Sum of Ten Shillings, for the first Default in not appearing, for the Second Default the Sum of Fifteen Shillings, and for the Third Default Twenty Shillings, and for every Default after the Third Twenty Shillings, until He doth appear: For want of a Sizable Horse, Ten Shillings, and for want of Each or Either of the Articles of the Troopers furniture, the Sum of Five Shillings, Provided that all the Penalties on one Person for the Default of one Day, do not Exceed the Sum of Twenty Shillings, and every Trooper or Soldier belonging to the Horse, Shall always have at his Habitation or Place of abode, one Pound of fine Powder & Three pounds of Sizable Bullets, on Penalty of Ten Shillings for every Default.

AND be it Enacted by the Authority aforesaid That THE Companies of Cadets & blew Artillery in the City of New York, are to Consist each of one Hundred Men besides officers, and if the Colonel of the Regiment of the Said City, or in his absence the next Field officer thereof, doth Suspect, that the Captain or Captains of the Said Companies, have Inlisted a

greater number than is Limited above the Captain of the Company so Suspected, Shall be obliged within fourteen Days after notice, To deliver to the Captain General or Commander in Chief a True & compleat Roll, under his or their hands, of the name & names of all the Persons he or they have on his or their List. And a true Coppy thereof to the Said Colonel, or next Field officer of the Said Regiment, and on failure to Forfeit the Sum of Five pounds, to be Levied by Warrant under the hand & Seal of the Captain General or Commander in chief for the time being, and if it thereby appears that more are Inlisted than the Number above Mentioned, all Such Supernumerary Men, are Immediately to be Discharged out of Such List, and the Captain is to give a List of their names to the Colonel or next field officer aforesaid, and the person or persons so Discharged, Shall within fourteen Days thereafter, Inlist him or Themselves, in one of the foot Companies of the Said Regiment, and Such of the Persons so discharged, as shall omit to Inlist himself accordingly, Shall be Subject to the Fines in this Act, on Persons omitting or neglecting to Inlist in the Militia.

AND be it Enacted by the Authority aforesaid, That every foot Soldier in any of the Regiments or Independant Companies of Foot in this Colony, Shall be Provided with a good, well fixed Musquet, or Fusee, a good Sword, Belt & Cartridge Box, Six Cartridges of Powder, & Six Sizable Bullets, & so provided shall appear, when & where required, upon Penalty of Five Shillings, for each Musquet, or Fusee not well fixed, & for want of a Sufficient Sword Belt or Cartridge Box, Shall Forfeit one Shilling & the Same for want of each Cartridge or Bullet, the whole Penalty for the Default of one person for one Day not to Exceed Ten Shillings, and the Sufficiency of the Musquet or Fusee, Sword, Belt & Cartridge Box to be Judged of & determined by the Captain or in his absence the next Commanding Officer of Such Company, and every foot Soldier shall at his Habitation or Place of abode, have one pound of good Powder & Three pounds of Sizable Bullets, upon Penalty of Ten Shillings for each Soldier of Foot, and if any Soldier of Foot or Horse, Shall Refuse to Shew to his Captain or Person SENT by him or other officer for that purpose by this Act appointed, all or any of the Equipage, Furniture, or Ammunition herein Mentioned, He shall be Deemed & Esteemed to be Unprovided thereof, and Shall be fined accordingly.



AND be it Enacted by the Same Authority, That upon notice given of a General Muster, or of the Review or appearance in the Field of any Particular Troop or Troops, Company or Companies, no Person whatsoever Listed in Horse or Foot in manner aforesaid, Shall withdraw himself from that Service, or go out of Town, without first acquainting his Captain, & in his absence the next Commanding officer therewith, and without his leave or authority so to do, or neglect appearing, under the Penalty of Ten Shillings, and no Commission Officer Shall remove himself out of Town or withdraw from the Service, without leave from his Superior officer, or neglect appearing under the Penalty of Forty Shillings, and no Serjeant, Corporal, or Drummer whether of Horse or Foot, Shall absent Themselves, or neglect appearing in manner aforesaid, under the Penalty of Fifteen Shillings.

AND be it further Enacted by the Same Authority, That no Person or Persons, being thereto required by their Superior & proper officer, Shall refuse to be Serjeant, Corporal, or Drummer, in any Troop or Company, under the Penalty of Forty Shillings, and in Case any Serjeant, or Corporal so appointed, Shall refuse to warn the People to appear under Arms, when thereunto required by his Captain or next Commanding officer, He shall for every Such neglect or Refusal Forfeit Twenty Shillings.

AND be it further Enacted by the Same Authority, That such articles of War, as the Captain General or Commander in Chief for the Time being, with a general Council of Officers from the Several Regiments of this Colony, Shall make & Establish, Shall by the Authority of this Act, have full Force, Virtue & Effect, for the Punishment of all offenders against this Act, and the Said Articles or anything therein Contained, & all officers & Soldiers of the Militia, Horse or Foot within this Colony during Such time as They or any of them are under Arms, in the Field, or upon Watch & Ward or other Duty, They & every of Them Shall observe & keep all & every the ARTICLES of War so as aforesaid Established & Shall pay due Obedience to his & their Superior officer & officers, and all his or their Lawfull Commands, and all the Colonels of the Several Regiments, Captains of Troops of Horse & Unregimented Companies of Foot, or other the next Officer in their absence, are to give out True Copies of Said Articles by them attested or by one Field Officer at the least, unto the respective

officers under them, That the Same may be Publicly read at the head of every Regiment, unto the Soldiers while they are in Arms, to the End all Persons Inlisted may the better know & observe their Several Duties.

AND if it shall happen that any officer or Soldier Shall at any Time whatsoever, whether under Arms, upon Duty, or otherwise, Maliciously abuse, affront or take Revenge, or Endeavour by Force to take Revenge for any matter or thing by his or their Superior officer Lawfully done, in pursuance of his or their Duty, or of any thing contained in this Act, the Said officer or Soldier, shall be brought before a Court Martial, and shall be Tryed for the Same, according to the true Intent and meaning of the Articles of WAR, Provided always, That Such Punishment shall not Extend to the Loss of Life or Limb.

BE it Provided & Enacted by the Authority aforesaid, That until Such time, as the before Mentioned Laws & Articles of War, Shall be Established as aforesaid, Every Soldier under Arms that shall not give due obedience to his Superiour Officer, Shall Forfeit the Sum of Ten Shillings, for each offence, and if any Person Inlisted to Serve, Either in Horse or Foot and Appearing under Arms, and during Such Appearance, Shall Refuse or Neglect to perform, Such Military Duty as Shall be required from him, or Shall depart from his Colours or Guard, without Leave from Such officer, He shall Forfeit the Sum of Twenty Shillings, and for non Payment thereof, Shall be Committed, by Warrant from the Captain or Commanding officer there Present of the Company or Troop to which Such offender doth belong, to the next Goal, til the Said Twenty Shillings be paid, with the Prison Charges, & the Sherif of each City & County IS hereby Impowered & required to Receive the Body or Bodies of all Such Offender or Offenders against this Act, as Shall be brought to him by virtue of a Warrant or Warrants, under the hand & Seal of Such officer as aforesaid and him or Them to keep in Safe Custody, until Such Fees and Fines mentioned in Such Warrant are Paid, and it is hereby declared that Such Sherifs or Keepers of Goals, Shall in Such Cases as aforesaid, be Intituled to the Same Fees as are allowed in all other Cases.

AND be it Enacted by the Authority aforesaid, That once every year or oftner if thereunto required, each particular Captain shall give his Colonel, or in his absence, to the next Field



officer, and Such Field officer & the Captains of Unregimented Troops & Companies to the Captain General or Commander in Chief for the Time being, fair written Rolls of their respective Regiments, Troops & Companies, on the penalty of Forty Shillings for a Field officer & Twenty Shillings for an Inferior Commanding officer.

BE it Enacted by the Authority aforesaid, That in Case the Several Fines, Penalties and Forfeitures in this Act mentioned Shall not be paid upon Demand the Same Shall be Levyed, recovered and Disposed of as followeth, That is to Say, That all Such Forfeitures as do relate to any Person under the Degree of a Captain, Shall be Judged by, and be taken to the respective Captains to Defray the Charges of their Troops & Companies, and to be Levyed before the next Exerciseing Day, by distress & sale of the offenders Goods, by the Captains Warrant Directed to the Serjeant or Corporal of the Company wherein the Said offence was Committed, but if the offender be a Servant, or under his Parents care then & in Such Case the Masters or Parents Goods Shall be Liable to Such Distress & Sale as aforesaid, till Satisfaction be made, and if any Serjeant or Corporal Shall Refuse to Execute Such Warrant so to him Directed, Such Serjeant or Corporal, Shall for every Such offence Forfeit for the uses above mentioned, The Sum of Forty Shillings to be Levyed in manner before Expressed, by such other officer Serjeant or Corporal, as Such Warrant Shall be Directed to, And for all other Penalties & Forfeitures in this Act mentioned the Same Shall be Levyed by Distress & Sale of the offenders Goods, by Warrant from THE Colonel or the next field officer where Such offenders are, one half to Such Colonel or field Officer, and the other half to the use & benefit of the Regiment, in the City & County where the offence is Committed. And the Serjeants, Corporals or Clerk of the Regiment, are to reserve to Themselves out of each Distress over and above the Fine or Forfeiture, the Sum of Three Shillings for Executing each Warrant from their Captain or other Superior officer, which Warrant & the Execution thereof by the Person to whom Directed Shall be good in Law, & of full force & virtue to & for the purposes in this Act mentioned, any thing therein to the contrary thereof in any wise notwithstanding.

AND be it further Enacted by the Authority aforesaid, that no Person whatsoever do Fire any Small Arm after Eight of the

Clock at Night, unless in case of Alarm or Insurrection, in which Case, Four Musquets or Small Arms distinctly Fired, or where great Guns are, the firing of one great Gun & two Musquets or Small Arms distinctly, and beating of a Drum, Shall be taken for an Alarm; which Shall be continued along from Place to Place Throughout the Colony, and Every Person that Shall neglect his Duty in taking & forwarding the Alarm, by Firing & beating Drum as aforesaid, or that shall Fire Arms after Eight of the Clock at Night, Shall be fined or Punished at the Discretion of a Court Martial not Extending to Life or Limb, And in Case of an Alarm, every Soldier is Immediately to repair Armed to his Colours or Parade, on Penalty of Five Pounds, which Parade Shall be understood to be the Habitation of his respective Captain, unless it Shall be otherwise ordered & appointed, and for the better Prevention of false Alarms, no Captain, Master or commander, of any Ship or Vessell, Riding at Anchor in any of the Rivers, Harbours or Bays, of this Colony NOR any other Person, Shall Fire any Gun or beat any Drum, after Eight of the Clock at Night, under Penalty of Twenty Shillings, for every Gun so Fired or Drum beaten, To be Levied by Warrant as aforesaid, from the chief officer of the Regiment next adjoining, not under the Degree of a Captain, who is hereby Impowered to have Jurisdiction thereof, and to Administer an Oath, and give Judgment thereupon, and to direct Distress & Sale of the offenders Goods, and for want of Such Distress, the Said chief officer is Impowered to Commit Such offender to Goal, there to remain until Payment be made of the Same, and the Captain, Commander or Master of any Vessell from whence, Such Gun or Guns Shall be Fired, Shall be Deemed & understood to be the offender in this respect, and in Case the Chief officer of the Regiment, or Captain Aforesaid, Shall not perform his Duty therein, He shall Forfeit Three Pounds, to be Levied by Warrant from the Captain General or Commander in Chief for the time being.

AND be it further Enacted, That all Drummers & Trumpeters in Service, or that shall be put in Service, by the Several Captains during Pleasure Shall Serve for the Salary of Forty Shillings pr Annum for a Trumpeter, and Twenty Shillings per Annum for a Drummer, finding their Trumpet or Drum, and Twenty Shillings for a Trumpeter & Ten Shillings for a



Drummer, if the Captain do Provide the Drum or Trumpet, & each Drummer or Trumpeter refusing to Serve, to Forfeit Forty Shillings to be Levyed in manner aforesaid, always Provided that no Indian, Negro, or Mullato Slave, Shall be Listed, or do any Duty belonging to the Militia in this Colony.

PROVIDED and be it Enacted by the Same Authority, That the Members of the General Assembly, Justices of the Peace, High Sheriffs, Coroners and all other Officers of Courts, MINISTERS of the Gospel, School Masters, Physitions. Surgeons, Persons Employed in Furnaces for making of Iron, One ferry Man, To every Publick Ferry, One Miller to Each grist Mill House, Shall be Free from being Listed in any Troop or Company within this Colony.

BE it Enacted by the Authority aforesaid, That no Commission Officer of the Militia of this Colony, Superseeded, Shall afterwards be obliged to do the Duty of a Private Soldier, unless he be Casheered for Cowardice by a Court Martial, or for Some other notorious offence, nor Shall it be in the Power of any Commission Officer to throw up or quit his Commission, unless he is Superseeded in his Rank, or has Served in that Rank, Fifteen years at the Least, any thing in this Act to the Contrary thereof notwithstanding.

BE it Enacted by the Authority aforesaid, That no Military Commission officer, Either of foot Companies or Troops of Horse, whether Regimented or Independant, nor any Trooper in the City & County of New York & Albany, Shall be Lyable or Subject to Serve as Constables though Chosen any Law or usage to the Contrary notwithstanding, Provided nevertheless that a Commission obtained by any Person, after he is Elected Constable Shall not Intitle him to the Exemption before Mentioned.

AND Whereas upon Certain Emergencies it may be found necessary to keep Military Watch & Ward in Some part or parts of this Colony, Be it Enacted by the Authority Aforesaid, That wheresoever Such Emergencies Shall make it necessary to keep a Military Watch in the Several City's & Counties of this Colony, all Persons able to bear Arms Living, within the Said Citys & Counties (Ministers of the Gospel, Doctors of PHYSICK and Surgeons only Excepted) Shall in their Turns upon due Warning be obliged to Serve upon Such Military Watch on Penalty of Six Shillings for every Default or Neglect to be Recovered from Each & every Such Defaulter or Defaulters, and upon non Payment thereof, to be Levyed by Distress upon his or their

Goods & Chattels in like manner as other Fines are by this Act, directed to be Distrained for. Provided nevertheless, That it shall & may be Lawfull for any Person or Persons whatsoever obliged to Serve upon Such Military Watch, to put a Sufficient Able well armed Man in his or their Room, who Shall Supply his or their absence, but Commission Officers in their Turns, Shall always be obliged to mount Such Guard in their Proper Persons, under the Penalty of Twenty Shillings for Each neglect, to be recovered & applied in manner aforesaid, Provided also that nothing contained in this Act, shall Lessen or abridge the Several Liberties & Exemptions which are allowed & Granted to the Fire Men of the City of New York, in & by an Act Intituled an Act for the better Extinguishing Fires which may happen in the City of New York, Passed in the Eleventh year of his Majestys Reign.

AND Whereas It is Expedient that a head Gunner & Eight Montrosses should Frequently Exercise the Cannon on the Batteries of the Said City, whereby They as well as others may by Seeing Such Exercise, be Enabled, to make a Proper use of Them, whenever there Shall be occasion for it

BE it Enacted by the Same Authority, That the head Gunner & Such MONTROSSES as aforesaid for the time being Shall not be obliged to Watch & Ward, & Shall be Exempted from Serving as Constables, or Surveyor of the high ways, or upon Jury's or Inquests any usage or Law to the Contrary Notwithstanding.

AND forasmuch as by this Act Commission Officers are Directed & required to Mount the military night Guard or Watch in their Turns, Be it Enacted by the Authority aforesaid, That it shall be Lawfull for Such officer as Shall be so upon Duty, to take up any Disorderly Person or Persons, as Likewise Such as he shall have Sufficient reason to Suspect, and to confine him, her or them. to the Guard until the next Day at which Time he may (as the Case shall appear to him) Either dismiss Such Person or Persons, or to cause him, her or Them to be brought before one or more of his Majesties Justices of the Peace, to be dealt with according to Law.

AND be it further Enacted by the Same Authority, That all Persons Shall be & hereby are obliged to be Furnished with the like Arms & Quantity of Ammunition, which in this Act is directed that Inlisted Men, shall be Furnished with, and be Lyable to the Same Examination upon the Penalties aforesaid, to be recovered, Levyed & applied in manner as aforesaid, Ex-



cept the Ministers of the Gospel, Doctors of Physick and Surgeons, anything in this Act contained to the Contrary notwithstanding.

AND that Alarms from Sea may be soon conveyed, Be it Enacted by the Same Authority, That the Beacons already Erected by virtue of a Former Act Shall be kept up to wit, one on the Western Part of Rockaway, one other at the Narrows on the Island Nassaw, and one other Opposite to it ON Staten Island, and the respective Colonels of the Places aforesaid, Shall be & hereby are obliged to have due care taken of Them, as Likewise to appoint proper Persons living near the Said Beacons, to set the Same on Fire, upon the Sight or Appearance of Seven or a greater Number of Ships; and when the Alarm is given by one, the others are also Immediately to be Set on Fire, to the End an Alarm may be Conveyed to New York in the Speediest manner; and when the said Beacons are so Consumed, others are Immediately to be Erected by the respective Colonels above Mentioned.

AND be it further Enacted by the Authority aforesaid, that during the Continuance of this Act, not only in Cases of Alarm, but likewise in all Such other Sudden Emergencies, as may require any Part of the Militia to be under Arms, the Captain or Captains of the Company or Companies, where Such Emergencies may happen, Shall & hereby is & are fully Impowered, to call his or their Companie or Companies Immediately to Arms, and not only to march Them to the Place or Places, where their Service is most required, but Likewise to Employ them in keeping of a Military Watch, and in the meanwhile to give the Speediest Intelligence thereof, to his or their Colonel or Lieutenant Colonel, or to the Captain General & Commander in chief for the time being, and upon Receiving directions from their Said Superior Officers, They are Either to Continue their Said Companies under Arms, or in keeping the Said Watch, or to discharge the Same, as the Said Superior Officer or Officers, Shall order & direct, anything herein contained to the contrary hereof notwithstanding.

WHEREAS the County of Albany by its remote Situation is MOST Lyable to the Invasion of the French by Land, Be it Enacted & declared by the Authority aforesaid, That the Colonel of the County or in his absence, the next commanding officer, Shall be & hereby is Impowered and Directed to Command the whole or any part of the Regiment Independant Company of

Militia & Troop of Horse any or Either of them to march to Such part or parts of it as he Shall Deem necessary Or According to such Orders as he hath or shall receive from the Captain General or Commander in Chief for the Time being to Repel the Said Invasion or Secure any other Part of the County, and every officer Refusing or Neglecting to obey Such orders as he shall receive from the Colonel or next commanding officer, Shall Forfeit for every Such Refusal or Neglect the Sum of Twenty Pounds, and Every Soldier, that shall disobey his officer in the Execution of the orders aforesaid, for every such disobedience Shall Forfeit the Sum of Five pounds, to be Recovered by Warrant from the Colonel, or next Commanding Officer, from Each officer in the Said Regiment, and from Each Soldier by Warrant from their Respective Captains or next commanding officer.

AND be it further Enacted by the Authority aforesaid, That all Persons within this Colony able to bear Arms who have born Commissions Either in the Civil or Military Way, or are Exempted by this Act, (Ministers of the Gospel, Physicians, & Surgeons Excepted) Shall in Case of an Actual Invasion, be obliged to repair well armed & Equiped to the Place to be Appointed, in Each City, Town, Mannor, & Precinct in the Several County's of this Colony, by Such officer or officers as the Governour or Commander in Chief for the Time being, Shall commissionate & appoint in the Several & respective Places aforesaid, to command them, and in case they neglect or Refuse to appear, at the place appointed, in Time of Such Invasion, Every Person so Refusing, Neglecting or Absenting himself, Shall for every SUCH offence Forfeit the Sum of Five pounds to be recovered by Warrant from the Persons that shall be so Commissionated to Command Them.

AND be it Enacted by the Authority aforesaid that no Officer or Soldier, by this Act directed to appear & Muster as aforesaid or that Shall be appointed to Watch, shall be Liable to be taken by any officer in any civil Action whatsoever, on the Day whereon Such Person is directed to appear or Watch, or on any reasonable Time either in going to, Continuing at, or returning Home from the Place or Places appointed to Muster or Watch, and all officers are hereby required to take notice hereof & govern Themselves accordingly.

AND be it further Enacted by the Authority aforesaid, That if any Person be wounded or Disabled, upon any Invasion, or in any other Military Service, he shall be taken care of and Provided for by the Publick during the time of Such Disability.



AND be it further Enacted by the Authority aforesaid, That all the Commission Officers of the Regiment of New York, The Commission officers of the Independant Companies of the Militia and the Commission officers of the Artillery Company and all Military Commission officers Dwelling in the City of New York, Shall wear their Swords every Sunday, During the Continuance of this Act, under the Penalty of Ten Shillings for every Such Neglect, which Forfeiture Shall be recovered and applied in manner aforesaid

AND be it further Enacted by the Authority afores'd That in Case of any Invasion, Insurrection or Rebellion and not otherwise Every officer of the Militia Shall have full Power and Authority by Virtue of this Act and is hereby required forthwith to raise the Militia or Company under his Command and to Send Immediate Intelligence to the Commanding Officer of the Regiment to which he belongs who also is hereby required and Commanded to send forward the Intelligence forthwith to ye Commanding officers of the next adjacent Countie informing him & them at ye same Time in what Manner he intends to proceed And Shall in the Mean Time keep ye Militia under his Command under Arms until he receives Orders from his Superior officer. And Every commanding Officer in Every County to whom such Intelligence shall Come of any Insurrection Invasion or Rebellion shall forthwith dispatch an Express to the Governour or Commander in Chief for ye Time being notifying ye Danger & shall therewith Signify the Strength & Motions of ye Enemy, & for that purpose ye sd Commanding Officer hath hereby full power to Impress Boats & Hands Men & Horses as ye Service may require for sd dispatch of such Intelligence & until Orders shall arrive from ye Govr or Commr in Chief shall draw together ye Militia of his County in Such place or places as he shall Judge most Convenient for opposing the Enemy.

BE it Enacted by the Authority aforesaid, That the Several Fines and Forfeitures mentioned in this Act & not applied in it, Shall be disposed of in manner following, That is to Say, all Such as do relate to any Person, under the Degree of a Captain, Shall be to the respective Captains, for the Purchasing Arms for their Several Troops & Companies, and all those of the Captain & Superior Officers to the Colonels of the Respective Regiments for purchasing Arms for their Several Regiments.

BE it Enacted That nothing in this Act contained Shall be Intended or Construed to derogate from, or in any wise lessen or

Diminish the Powers or Authority Lodged and Vested in any Captain General or Commander in Chief for the Time being, by his Majesty's Letters Patent, Commission, or other Power whatsoever, any thing in this Act contained to the Contrary thereof in anywise notwithstanding. Provided Alwayes that Nothing in this Act Contained Shall Extend or be Construed to Extend to ye Members of his Majesties Councill the Clerk of the Council or his Deputy or their Domestick Servants Anything in this Act Contained to ye Contrary notwithstanding

BE it Enacted by the Authority aforesaid That if any Person or Persons Shall be Sued, Molested or Impleaded, for any matter or thing Lawfully done & Commanded in the Execution & Performance of this Act, he or they shall plead the General Issue, & give this Act in Evidence, and if the Plaintiff discontinue his Action, be nonsuited, or Verdict pass against him, the Defendant Shall recover Treble Costs, nor shall any Such Suit or Sutes, be admitted or allowed to be brought, unless it be done within Three Months, next after the offence is committed.

AND be it Enacted by the Authority aforesaid That if any Naval Force Should make any Attempt upon the City of New York, and there should not be a Sufficient Quantity of Gun Powder; belonging to the Government for the use & defence of the Fortifications, there shall by order of the Governour or Commander in Chief, or in case of his absence, from the Said City, by order of the Lieutenant Governour if Present, or in his absence, by order of the Members of his Majestys Council, then Residing there be Purchased or Impressed by the field officers of the Regiment of the City of New York, for the Time being, so much Powder, as upon Such an Event may be Requisite & Necessary to make a Vigorous Defence, and Such part thereof, as upon Such an Emergency Shall be Expended, the General Assembly shall and will provide ways and means fully to Pay for the Same at the then Current Price.

BE it Enacted by the Same Authority, That this Act shall be of Force from the Publication hereof, To the first day of December which will be in the year of our Lord, one Thousand Seven Hundred and Forty Five.



## [CHAPTER 772.]

[Chapter 772, of Livingston & Smith, where the act is printed in full. Chapter 772, of Van Schaack, where the title only is printed. See chapter 719. Repealed by chapter 941.]

'An Act to Continue an Act Intituled an  
Act for mending & keeping in Repair the Pub-  
lick Wells & Pumps in the City of New York.

[Passed, September 21, 1744.]

WHEREAS an Act Intituled an Act for mending & keeping in Repair the Publick Wells & Pumps in the City of New York, passed in the Fifteenth year of his present Majesties Reign, will Expire by its own Limitation on the Twenty Seventh day of November now next Ensuing, And the Said Act having been found very usefull in Cases of Fire, as well as very Convenient for the Inhabitants of the Said City.

BE it Enacted by his Excellency the Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above mentioned Act, Intituled an Act for mending & keeping in Repair the Public Wells & Pumps in the City of New York, be further Continued, and every Article, Clause & thing therein contained to be of Force from the aforesaid Twenty Seventh day of November one Thousand Seven Hundred & Forty four, To the Twenty fifth day of December which will be in the year One Thousand Seven Hundred & Fifty four.

## [CHAPTER 773.]

[Chapter 773, of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 728. Livingston & Smith and Van Schaack state that this act was repealed by the Lords Justices May 23, 1745.]

'An Act to amend part of an Act Intituled  
an Act for Regulating the Payment of his  
Majesties Quit Rents & for Partititon of Lands  
in order thereto, So far as the Same Relates  
to the Partition of Lands.

[Passed, September 21, 1744.]

WHEREAS by an Act passed in the Fifteenth year of his Majesties Reign Intituled an Act for Regulating the Payment of his Majesties Quit Rents & for Partition of Lands in order

time of the sitting of the Court, should not be sufficient  
pleat it in, There is no Express direction in the said Act,  
shall be done in that Case.

ONLY in case of the Death, Removeal, Sickness, or  
of the Judge, Justices, Clerk, Sheriff or Freeholders,  
their beginning, & before their Finishing Such Partition,  
is no express direction what shall be done in that case,

RDLY where a partition takes up many days at Court, it  
whether the Judge, Shall have any Fee, for his  
& Attendance, & whether the Justices & Clerk Shall  
more than Six Shillings, each for their whole time, which  
Partition be Finished in one hour, They are to have, And  
unreasonable That if it takes many Days to compleat  
y should have no more.

V for a Provision in the Cases aforesaid Be it Enacted by  
cellency the Governour, Council and General Assembly,  
is hereby Enacted by the Authority of the Same, That in  
rtition begun or to be begun to be made by virtue of the  
ct, in case the time of the Sitting of the Court has not  
shall not be Sufficient for compleating of the Same, That  
& may be proceeded in at the next Court after and so  
ne Court to Another until it be Finally Completed.

in case of the sickness or absence of any one of the  
Freeholders after they are Sworn, as by the Said Act is  
d, the other Two are hereby declared to have the like  
as the whole had, until the Judge & Justices by the Said  
powered do Elect another Freeholder in the Place of Such  
absent Freeholder out of the other Six Freeholders re-  
Pursuant to the Directions of the said Act, and until  
ay Elected Freeholder shall appear & be sworn & Jura



AND in case of the Death, Removeal, Sickness or absence of the Judges or Justices, Sworn to do Justice in the said Partition, any or either of them after the begining & before compleating of the Same, another Judge or Justice or other Judges or Justices, shall & may be sworn in his or their Place or Places, and so from time to time till the Partition be compleated.

AND the Indenture by the said Act directed shall be executed by the Judge and Justices for the time being Sworn & present at the conclusion of the Partition or by the Majority of Them & by the Clerk & Sheriff at that time being in the Same offices.

AND it is hereby Declared that the fees of the Judge, Justices & Clerk, shall be Six Shillings to each of Them, for each Day they are Actually on Service in making such Partition, over and above their reasonable Expenses.

#### [CHAPTER 774.]

[Chapter 774, of Livingston & Smith and Van Schaack, where the act is printed in full. Repealed so far as it relates to Richmond County by chapter 1382, during the continuance of that act.]

#### An Act to prevent the Distruction of Sheep by Dogs

[Passed, September 21, 1744.]

BE IT ENACTED by his Excellency the Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, that if any Dog, or Dogs Shall from & after the first day of December next, Kill or destroy any Sheep, or Lambs within this Colony, the Master or Mistris of Such Dog, or Dogs, Shall be liable to pay the Owner or Owners of such Sheep or Lambs so distroyed the full Value thereof, to be recovered before any one of his Majesties Justices of the Peace of the County, where such offence shall be Committed, who is hereby fully Impowered, Authorized & required to hear & finally to determine the Same, and upon non Payment thereof within Three Days after, Judgment Shall be given, to Issue his Warrant to the next Constable to destrain on the offenders Goods & Chattels so much as may be Sufficent to discharge the Said Judgement, with the Charges ariseing thereby, and the Same to Sell at Publick Vendue, returning the over Plus, (if any be) to the Owner or Owners thereof; And if there be no Goods, whereon to make distress, Then to Commit the Owner or Owners of Such Dog or Dogs to the Common Goal, there to remain Ten

without Bail or Main Prize, unless he or she Sooner Pay  
 satisfy the Judgment with the Cost as aforesaid; and if the  
 Owner or Mistress of Such Dog or Dogs, do not within Forty  
 Hours after Judgement so given against him or her, Kill,  
 or cause to be Killed Such Dog or Dogs, he, or she shall be  
 Liable to the Penalty of Twenty Shillings, to be re-  
 covered in manner as aforesaid, to & for the use of any Person  
 or Persons who will Sue for the Same.

Provided Always and it is hereby further Enacted That it  
 shall & may be Lawfull for the Plaintiffs or Defendants in such  
 Cause to have a Jury to try the Same if Either of them Shall  
 request it at the proper Costs & Charges of such of the parties  
 as shall request the Same Such Jury to Consist of Six Men  
 Freeholders.

And be it further Enacted by the Authority aforesaid, That  
 it shall & may be Lawfull for any person or Persons whatsoever  
 in this Colony, who Shall see any Dog or Dogs chase; worry  
 or drive any Sheep or Lambs to kill & destroy Such Dog or  
 Dogs, and if Such Person do not or cannot kill or destroy Such  
 Dog or Dogs, he shall give Notice thereof to the Master or  
 Owner of Such Dog or Dogs, who if the Said Dog or Dogs, be  
 killed within forty eight Hours thereafter, Shall Forfeit the  
 Sum of Twenty Shillings to be recovered and applied, in manner  
 as aforesaid, Provided always that Nothing in this Act con-  
 tained shall Debarr any Shepherd from keeping one or more  
 Dogs to drive or Turn Sheep under his Care, nor any other Per-  
 son from making use of his Dog or Dogs to drive his own Sheep  
 off his Enclosed Lands, anything herein contained to the  
 contrary notwithstanding.

#### [CHAPTER 775.]

Chapter 775, of Livingston & Smith and Van Schaack, where the title  
 is printed.]

An Act to Raise & Collect in this Colony  
 the Sum of Three Thousand & Two Hundred  
 Pounds, for Putting it into a proper Posture of  
 Defence & for Dischargeing the Several Ser-  
 vices which the Present State of Affairs makes  
 it necessary to Provide for.

[Passed, September 21, 1744.]

WHEREAS the Colony has for Some year past been at a  
 great expense to put it in a good Posture of Defence, whilst his



MAJESTY was Engaged in a WAR against the King of Spain only, but as he is now Engaged in another with the French King, whereby it is Liable to Attacks by Land as well as by Water, Prudence & Self preservation make it absolutely necessary to Compleat and Augment the Fortifications thereof, in Such Manner, as may of the one hand discourage an Enemy to Attack it, and of the other, Excite our Inhabitants Chearfully to Exert their natural Bravery in a vigorous Defence, if any Such undertakeings should be Attempted, And to the End Suitable Provision may be made to Defray the Expence & Cost of the Services above mentioned, and of the Contingencies that have been & may be requisite for those Purposes.

BE IT ENACTED by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That to & for the Several Services herein after mentioned, and to & for no other use or Purpose whatsoever, There shall be & hereby is given & granted to his MAJESTY his heirs & Successors, the Sum of Three Thousand & two Hundred Pounds current money of this Colony, To be raised & Levied by a Tax upon the Estates, Real & Personal of all and every the Freeholders, Residents and Sojourners Throughout the Said Colony, and to be Assessed Collected and paid, at the respective Times and in the manner herein after Directed according to the Quotas and Proportions following that is to Say.

IN the City & County of New York the Sum of Fifteen Hundred & Sixty Nine Pounds, one Shilling & four Pence, currant money aforesaid.

IN the City & County of Albany the Sum of Five Hundred & Fifteen Pounds four Shillings

IN Kings County, the Sum of One Hundred & Twenty Six pounds Eighteen Shillings & Eight pence

IN Queens County the Sum of One Hundred & Seventy Six Pounds

IN Suffolk County the Sum of one Hundred & Sixty Four Pounds Sixteen Shillings.

IN Richmond the Sum of Eighty Two pounds Thirteen Shillings & four pence.

IN West Chester County, the Sum of One Hundred & Sixty Two pounds two Shillings and Eight pence.

IN ULSTER County, the Sum of One Hundred & Sixty two pounds two Shillings and Eight Pence.

IN Orange County the Sum of One Hundred & Twenty Pounds Ten Shillings & Eight pence.

IN Dutchess County, the Sum of One Hundred & Twenty Pounds Ten Shillings & Eight Pence.

AND to the End the full Sum Intended to be Raised by virtue of this Act, may remain Effective & compleat, BE it Enacted by the Authority aforesaid, That over & above the Several Quotas before mentioned, there shall be Raised Assessed Levyed & Collected, the respective Sums following, that is to Say, On the Quota for the City & County of New York, the Sum of nine pence, over & above Every Pound, To be retained in the hands of the Several Collectors, as a Reward for their Trouble in Collecting & Paying the Same to the treasurer of this Colony.

AND on the Quotas for the City & County of Albany and all Other Counties in this Colony, One Shilling over & above Every pound, out of which the Several Collectors, may & are to retain in his or their hands the Sum of Nine pence on Each Pound for Collecting & Paying the Same, to the Several County Treasurers, and the remaining Three pence the County TREASURERS may retain in his or their hands as a Reward for their Service and Trouble, in receiving & Paying the Moneys ariseing by this Act, to the Colony Treasurer.

AND to the End that Assessments may be made in Such convenient time by the Assessors, That the Sum Intended to be raised by this Act, may be Collected, Gathered & paid, at the Times herein after mentioned and appointed, and that the Assessments may be Truly Equally and Impartially made as of right it ought to be, BE it Enacted by the Authority aforesaid, That the Mayor, Recorder & Aldermen of the City & County of New York, or the greater part of Them for the time being, Shall meet & Assemble at the City hall of the Said City, on the first Tuesday in May next Ensuing, and then & there Issue their Warrants to the Several & Respective Assessors aforesaid, To take a True & Exact Account of all the Estates Real and Personal, of all the Freeholders, Inhabitants Residents & Sojourners within the Several Wards of the Said City & County, for which they at the Time of Issuing Such Warrants Shall be Assessor or Assessors, And a True equal & Impartial Assessment to make, and the Same at a Day in the Said Warrants to be Prefixt, by the Mayor, Recorder & Alderman, or the Major part of them then Met, to Exhibit, And when the Said Assessments are by the said Assessors compleated, and a full account of the Same



truely cast up according to the Poand Value of the Said Estate, So that the quota with the Allowance for the City & County of New York, be apparent & made known then the Said Mayor, Recorder, and Alderman, or the Major part of them, shall Issue their Warrants, to the Several & Respective Collectors within the Said City & County, To Collect the Quota with the Allowance by this Act directed, and that the Same be paid unto the Treasurer of this Colony, on or before Third Tuesday of June next Ensuing.

AND in order that the Assessments may be Truly Justly Equally and Impartially made & done. Be it Enacted by the Authority aforesaid, That Every Assessor that now is or hereafter shall be Chosen & Elected within the City & County of New York, shall before He Enters upon the Performance of the Duty & Service required of him by this Act, Take an Oath upon the holy Evangelist of Almighty God in the words following, to wit, That he will well and truely Equally Impartially and in due Proportion, according to the best of his Skill knowledge & Understanding, Assess & Rate all the Freeholders, Inhabitants, Residents & Sojourners of the Place for which He is chosen an Assessor, Which oath the Said Mayor, Recorder, & Aldermen are Impowered to Administer, And the Said Mayor, Recorder & Aldermen or the major part of Them met, are hereby required & directed to Administer the Same.

AND for the Effectual Assessing Collecting & Paying the respective Quotas for the City & County of Albany, and all the other Counties in this Colony, Together with the before mentioned Allowance to the Collectors therewith, BE it Enacted by the Authority aforesaid, That the respective Quotas & the Said Allowance Shall be Proportioned by the respective Supervizors of each County or by the greater Number of Them, at their first meeting or within Three months thereafter, and be Raised, Assessed, Levyed & Collected in the Same manner as the other Necessary & Contingent Charges thereof are, and the respective Collectors are hereby Required & Enjoined to Pay the respective Quotas to be Collected by Them unto the Respective County Treasurers on or before the first Tuesday of June next, and each of Such County Treasurers are hereby Enjoined & required to Pay the respective Quotas of their Counties to the Treasurer of this Colony within Three Weeks after the Said first Tuesday of June

BE it further Enacted by the Authority aforesaid, That such Mayor, Recorder, Aldermen, Supervizors, Assessors, Collectors,

or County Treasurer within this Colony, as shall Deny, Refuse, Neglect, or Delay to do PERFORM and Execute all or any of the Powers Duties and Authorities by this Act required of him or them to be done, and shall thereof be Lawfully convicted in any of his Majesties Courts of Record within this Colony, He or they shall Suffer such Pains by Fines & Imprisonment, as by the Discretion of the Justices of Such Court or Courts Shall be Adjudged.

BE it Enacted by the Authority aforesaid, That the Treasurer Pay out of the Monies to be Levied by virtue of this Act unto his Excellency Governour Clinton for the monies by him advanced to Lieutenant John Lindesey (who is hereby required & Enjoined to Account for the Disposition of the Same) The Sum of Fifty pounds Current money of this Colony.

BE it Enacted by the Authority aforesaid, That the Treasurer Pay unto the Commissioners herein after named for and Towards the Services herein after mentioned, to wit. FOR and Towards repairing the Brass Cannon on the Flag Mount, & for Rendering the Same Fit for Service the Sum of Nine pounds Sixteen Shillings current money aforesaid.

FOR the Additional Centenal boxes already made the Sum of Eight Pounds five Shillings.

FOR Defraying the Expence of the Fence on the flat Rock Battery the Sum of Five pounds Fifteen Shillings over & above what was allowed for it in a Former Act.

FOR Defraying the Extra charge for Raiseing a Wall at the foot of the South West Bastion of Fort George, over & above the Sum allowed before the Sum of Seventeen pounds fifteen Shillings

FOR makeing a Sufficient Fence for Copsy Battery from white hall Slip to the East corner of the Red house, & from the West corner of said Red house to the Wharf on the North West End of the said Battery, with gates at each End OF the red House for Carts to Pass, and Turn Pikes at the East & West parts of said Battery, the Sum of Twenty Seven pounds Ten Shillings.

FOR makeing & Erecting a Flagg Staff, on the flagg Mount in Fort George a Sum not Exceeding the Sum of Ten pounds.

FOR Repairing & mending the Magazine under the South East Bastion in Fort George for the reception & Safe Custody of Gun Powder the Sum of Fifteen Pounds.

FOR Rebuilding the Barracks at the North West part of Fort George for the better accommodation of the Officers &



Soldiers of his Majesties Forces posted here, the Sum of Four Hundred & Twenty five Pounds.

For and Towards mending & Altering Nine proper Carriages for mounting the Said brass Cannon on the Flagg Mount the Sum of Forty five Pounds

FOR makeing a Sufficient Number of Shot Boxes (One for each Gun) for all the Batteries the Sum of Six pounds Eighteen Shillings

FOR Providing Leaden Aprons & Tompkins for all the Guns on the Battery's and Wharfs the Sum of Twelve pounds Fifteen Shillings.

FOR Removeing the Cannon to the Red Hook Battery, Bur-nets Key & North River, the Sum of Twenty two pounds Eighteen Shillings.

FOR raiseing a Banquet or foot bank all along the Inside of the Parapets on all the Batteries to a proper height, for mus-quitiers to Fire over, and to make use of as many of the old Plank of the Platform, of Copsie Battery, as will be Service-able for that Purpose, the Sum of Seventeen Pounds Ten Shillings.

For Sorting the Shott & placing the Same in the Boxes, for each Gun on all the Batteries & wharfs the Sum of Four pounds Twelve Shillings.

FOR Altering Copsie Battery, & Reducing the Same to a Thirty Six Gun Battery, with an addition of Five foot Sod Work on the Inside of the Same the Sum of Four Hundred & Fifty Pounds.

FOR Raiseing & Building a Compleat Battery of Six or Eight Guns on the Red Hook on Nassau Island, upon the Land of Tys Van Dyck the Sum of One Hundred & Fifty pounds

FOR Purchaseing an Additional quantity of Gun Powder for the use of this Colony the Sum of Five Hundred Pounds, & to be Stored in the Powder House for that Purpose.

AND be it Enacted by the Authority aforesaid, That Peter Jay, John Rosevelt, & William Roome are hereby appointed Commissioners & fully Impowered Authorized & required to Employ the foregoing Sums to & for the Purposes above Mentioned, and to & for no other use or Purpose whatsoever

AND be it further Enacted by the Authority aforesaid that the Commissioners herein before named & appointed, Shall before they receive any Part of the Monies hereby Directed to be paid unto Them amounting in the whole to the Sum of One

Thousand Seven Hundred & Twenty Eight Pounds fourteen Shillings, Enter into the following Recognizances to our Sovereign Lord the King, his heirs & Successors, That is to Say, Each of them before one of the Justices of the Supreme Court in the Sum of, Five hundred & Seventy Six pounds, current money of this Colony, with two Sufficient Sureties, Each in half that Sum, Conditioned that They shall & will well & Truly each for his Part, Imploy & Apply the Money, so to be received by them as Aforesaid, to and for the Several & Respective uses and Purposes directed by this Act, and well & Duely to observe do & perform all the Directions thereby required, to be done & performed by Them, according to the True Intent and meaning thereof, which Several Recognizances are to be Delivered to the Treasurer by the Justice before whom the Same shall be so taken in order to be Lodged in the Treasury.

BE it Enacted by the Authority aforesaid, That if any of the BEFORE named Commissioners Shall fail in Employing & Applying the money so to be received by them, in manner & for the respective uses directed by this Act, or Omit to observe do and perform what is hereby required to be observed done & Performed by Them, in Such Case or Cases, the Said Recognisances Shall be proceeded upon in due form of Law, against such offender or offenders, or his & their Surities, in any Court of record within this Colony wherein no Essoyn, Protection, wager of Law, or more than one Impar lance shall be allowed, and the money to be recovered in consequence thereof, Shall be paid into the Treasury of the said Colony, and applied to & for the Several and respective uses & Services herein before directed.

BE it Enacted by the Authority aforesaid, that if any of the before named Commissioners, Shall happen to Die, remove out of this Colony or Refuse to Act, According to the Several & respective Powers & Authorities hereby directed & required, it shall & may be Lawfull to and for the Governour or Commander in Chief for the time being, by & with the advice & consent of his Majesties Council, to nominate & appoint, Some other fit person or persons to be Commissioner or Commissioners in the Place & Stead of the Commissioner or Commissioners so Dying, Removeing or Refuseing to Act as aforesaid, any thing herein contained to the Contrary notwithstanding, PROVIDED that the Person or Persons who may be so appointed, Shall be Obligated to Enter into the Like Recognizances with the Like Sureties



as is herein Directed to be done by the Commissioners named in this Act, before he or they be Intituled to receive any part of the Sum herein first mentioned, and in all other respects be as Subject to observe and Perform the Several Directions of this Act, as if he or they had been named & Appointed in it

AND to Enable the before named Commissioners to perform the Several Services above mentioned, Be it Enacted by the Authority AFORESAID That the Treasurer of this Colony upon Application made to him by the Said Commissioners, shall & hereby is required to pay unto Them out of the Monies to be Raised by virtue of this Act, a Sum of Six Hundred Pounds And when that Shall be Expended in & about the Services aforesaid a farther Sum of Six Hundred Pounds, And when that shall be Expended the remaining Sum of Five Hundred & Twenty Eight Pounds fourteen Shillings for which Several Sums the Said Commissioners are to give to the Treasurer proper Receipts at the respective Times they receive the Same, which receipts Shall be to the Said Treasurer a Sufficient Voucher & discharge for so much as shall therein be mentioned to have been received, Provided it do not in the whole Exceed the Sum of one Thousand Seven Hundred & Twenty Eight Pounds Fourteen Shillings, and of the Monies so to be received by the Said Commissioners as Likewise of the Due disposition & Application thereof, They are hereby Required to render a True Account upon Oath to the Governour or Commander in Chief for the time being, The Council or to the General Assembly, when by them or any of them thereunto Required.

AND to the End the Several Commissioners herein before named and appointed, may be Encouraged to do & Perform the Several and respective Services by this Act required to be done & performed by them respectively, Be it Enacted by the Authority aforesaid, That it shall & may be Lawfull for Them to retain for their own use, out of the Money herein Directed to be Employed by them, The Sum of Four pounds, on Every Hundred Pound, They shall so Employ, and in that Proportion for a greater or Lesser Sum, as a Reward for their Care & Trouble in the Several & respective Services hereby Required to be done & Performed by Them

BE it Eracted by the Authority aforesaid, That the Treasurer Pay unto Captain John Waldron for his care & Service, as Keeper of the Colony Stores of War in the city of New York, for the Term of one year, To commence from the PUBLICATION

hereof and as head Gunner of the Cannon on the Batteries of the Said City & for the Exercise & management thereof, every fourteen Dayes or Three Weeks at the Longest during Eight months in the said year, or to Such Store Keeper & head Gunner for the Time being as shall Perform the Said Services, the Sum of Thirty Pounds, and to the said Captain John Waldron or the head Gunner for the Time being, the further Sum of Thirty Pound, To & for the Encouragement & Benefit of nine Montrosses out of the Artillery Company, who have Freely offered & undertaken Personally to attend & assist in the Exercise and management aforesaid During the Term, and at the time & times above mentioned, to wit, Peter Low, William Hamersley, Henry Row, Richard Durham, Thomas Vater, John Lake, George Witts, Hugh Crawford and John Lush, and if any of them should happen to Die, remove out of the Colony, or Neglect or Refuse to perform the Said Services in manner as aforesaid, the Place or Places of Such is to be Supplied by such other Vollandiers out of the said Company, as Shall be approved of by the Governour or Commander in Chief for the Time being, and that the said Monies be Paid at the Expiration of the Term, to the said John Waldron, or the head Gunner, and his Receipt shall be a Sufficient discharge to the Treasurer for the Same, and the Said John Waldron & Montrosses shall be obliged to do Personal Duties as Gunners in Case of an Invasion

BE it Enacted by the Authority Aforesaid, that the Treasurer Pay out of the Monies to be Levied by Virtue of this Act, unto the Commissioners of Indian Affairs at Albany for the Services herein after mentioned, that is to Say,

FOR the Expence of the Outscouts his Excellency ordered when at Albany as pr their Account the Sum of Twenty Eight Pounds Six Shillings & Six pence.

FOR Outscouts for one year to Commence from the first day of September in this Present year, To the first day of September which WILL be in the year of our Lord One Thousand Seven Hundred & Forty Five to be Employed for that purpose, & for no other use or Purpose whatsoever the Sum of Three Hundred Pounds.

FOR Extraordinary Incidents that may happen from the first day of September one Thousand Seven Hundred & Forty four to the first Day of September which will be in the year of our Lord one Thousand Seven Hundred & Forty five the Sum of Fifty Pounds.



FOR an Indian Interpreter to Reside at Oswego, from the first Instant to the first of May next, the Sum of Twenty Six Pounds Thirteen Shillings & four pence.

For Shott for the use of the block Houses at Albany & Schonectady the Sum of Ten Pounds.

FOR Five Barrels of Pork to be Employed for the Indians at Oswego, that are or may be retained in our Service, the Sum of Eighteen Pounds Nine Shillings, for which Several Sums they are to Render true & Distinct Accounts upon oath, to the Governour or Commander in Chief for the time being, to the Council, or to the General Assembly, when by them or any of them thereunto Required.

BE it Enacted by the Authority aforesaid that the Treasurer pay out of the Monies to be Levied by virtue of this Act, unto the Several Persons hereunder named, to wit, TO John DePeyster & Philip Livingston Junr. for their Account of Powder and for Transporting the Cannon to the Several out Fortifications the Sum of one Hundred & Thirty one pounds fourteen Shillings & Six pence half penny.

TO the Said John De Peyster & Philip Livingston Junr. for the ballance of their Account, over and above what was allowed for Repairing the Fort at Albany the Sum of Eighteen pounds, Five Shillings & two pence farthing.

TO the Said John DePeyster & Philip Livingston Junr. for Cabbins to be made for Lodging the Soldiers in the Fort at Albany the Sum of Five Pounds.

TO Hendrik Beekman Junr. for Provisions for the Double Garrison, and for Transporting the Same to Oswego, for one year, commencing from the Twenty third of June Last, The Sum of Four Hundred & Fifty Six pounds.

TO the said Hendrick Beekman Junr. for his Account of Transporting three Chests of Arms, Four Barrels of Cloathing & Gun Powder to Oswego, for the use of the Garrison there, The Sum of Twenty one pounds fourteen Shillings and nine Pence farthing.

TO Dirck Ten Brook for his Account of Sundrys provided & Workmanship done at the Garrison at Saraghtoga, the Sum of Sixteen pounds & Seven pence

TO Samuel Brown of the City of New York for his Vollandary Services to the great Guns on the Batteries the Sum of Five pounds.

TO Paul Combs & Walter Buttler Junr. for going to Oswego with the Account of the French WAR, The Sum of Ten Pounds.

TO Egbert Benjamin Egberts for Passages for Eleven Men to Albany, Provisions & Freight The Sum of Three pounds nineteen Shillings & Six pence.

TO the Honble: Philip Van Cortland Esqr. for his Account of Charges of Sundrys Saved out of ye Fort when the Buildings were burnt Four Pounds one Shilling & Eleven pence.

AND that the Receipts of the Several Persons for the Sums above mentioned, Shall be a good discharge for the Said Treasurer.

AND as it is conceived, That at this Time an Additional quantity of Gun Powder ought to be sent into the County of Albany, Be it Enacted by the Authority aforesaid, That the Store keeper of the Powder House in the City of New York, Shall out of the Colony Powder, deliver unto Colo. Philip Schuyler or to his order the quantity of Four Barrells of the Said Powder, and his receipt for the Same, Shall be a good Voucher & Discharge to the Said Store keeper for that quantity, And the said Colonel Schuyler is hereby Directed & required to Distribute the Said Powder in the County aforesaid, To & for the use of the Fortifications in the City of Albany, Town of Schenectady, and the Fortification proposed to be Erected by the Inhabitants of Burnets field, in such Proportion as the Colonel and Field Officers of the Regiment of the County of Albany shall Judge most Proper, and receipts of proper Persons in the Said Places, of their haveing received the respective Quantities Shall be Allowed good Vouchers to the said Collonel Schuyler, for the Due delivery thereof, which said Powder is to be made use of in the said Places, as any Event may make it Necessary to be Employed for their or any of their Defences.

AND be it Enacted by the Authority aforesaid, That if any dispute should arise about the Value of the Land at Red Hook, where the Battery herein mentioned is Intended to be Erected, the same is to be determined by a Jury to be Summoned in the usual manner of Lawfull Men not Interested therein.

BE it further Enacted by the Authority aforesaid, that there shall be and hereby is allowed the Sum of Two Hundred & Fifty Six pounds & Eight pence for maintaining Such Prisoners of WAR as have been or shall be brought into this Colony, at the Rates following, to wit, for a Captain Eighteen pence, and for a Subalteran officer, fifteen Pence, and for a foremost Man One



Shilling per Diem, and for Transporting them at Such Time, and in Such Manner as the Governour & Council shall think fit, & the Same is to be paid upon Warrants to be Issued from time to time on the Treasurer if Drawn by the Governour with the Advice & Consent of the Council, & that such Charge be expres'd in the Body of Such Warrants, The said Treasurer is hereby ordered & Directed to Pay out of the money to arise by virtue of this Act, Provided the whole amount of such warrants between this time and the first of September next do not Exceed the above mentioned Sum of Two Hundred & Fifty Six Pounds & Eight Pence, and Such part thereof as shall not be required for the Services afores'd shall remain in the Treasury, to be Disposed of by Act or Acts hereafter to be Passed for that Purpose

BE it Enacted by the Authority aforesaid, that for Enabling the Treasurer to make Such Payments as are necessary to be made, before the money to arise by this Act Shall come into the Treasury, He shall be & hereby is fully Authorized and Impowered to Borrow out of the Excise fund so much as shall be requisite for that Purpose, which He is again to Replace as soon as the moneys to arise by virtue of this Act Shall Enable him to do.

AND be it Enacted by the Authority aforesaid, that the Treasurer shall keep Exact books of his receipts & Payments in consequence of this Act and to Render distinct Accounts thereof upon Oath unto the Governour or Commander in Chief for the Time being, to the Council, or to the General Assembly, when by Them or any of them Thereunto Required.

#### [CHAPTER 776.]

[Chapter 776, of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act to Authorize the Justices of the Peace in the Counties of Dutchess and Orange in their General Sessions to direct so many other Constables & overseers of the High Ways, To be Chosen in the Several Precincts as to Them shall seem meet.

[Passed, September 21, 1744.]

WHEREAS most of the Precincts in the Counties of Dutches & orange have Annually Elected Constables, and Some Others

have not by reason of a dispute that hath Lately arisen among the Inhabitants thereof, That the Court of General Sessions have no Power whereby to Allow so many constables to be yearly Elected & chosen in the Several Precincts as is Thought necessary, for Remedying whereof

BE it Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That from & after the Publication of this Act, it shall & may be Lawfull for the Justices of the Peace, in the said Counties of Dutches & Orange, at their General Sessions, To order & direct the Inhabitants in their respective Precincts at their Annual Meetings, to Choose So many Constables, in the respective Counties aforesaid as the said Justices in the General Sessions shall Judge proper, and further at their Annual Meetings in the County of Dutchess, To choose so many Overseers of the High Ways, as the said Justices in their Sessions shall think Necessary.

[CHAPTER 777.]

[Chapter 777, of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 1, 1746.]

An Act for the Relief of the Poor in the  
Counties of Suffolk & Orange

[Passed, September 21, 1744.]

BE IT ENACTED by his Excellency the Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Trustees of each respective Town in the Counties of Suffolk and Orange, shall be Overseers of the Poor of the Same Town, and that it shall & may be Lawfull for the Freeholders & Inhabitants of each respective Town, Mannor, & Precinct in the Counties aforesaid (where there are no Trustees) At their Annual meeting for Electing of Officers, To Choose & Elect at the same Time so many Persons to be Overseers of the Poor as the Majority of the Freeholders & Inhabitants of Such respective Town, Mannor & Precinct in the said Counties then Present shall Judge necessary, and that the Said Trustees & overseers Respectively shall Annually meet at some Convenient time and Place within their Several & respective Towns, Mannors & Precincts, and They or the greater Part of them so met by & with the Consent of Two or more Justices of the Peace dwelling in or near, Such Town, Mannor or Pre-



cinct, Shall take Order for the Raising such Competent Sum or Sums of money for & Towards the Relief of the Poor, in the Several & respective Towns Mannors or Precincts aforesaid, as they shall Judge necessary, which Sum or Sums of money They are hereby Authorized & Required to Ascertain, and the Same being so Ascertained, shall be Transmitted, under the hands of the Said Justices to the Supervizors of the Respective Counties aforesaid, and the Same being Produced to them at their Annual Meetings they shall add Such Sum or Sums of Money to the respective Quota of the Annual County Rates of such Town, Mannor, or Precinct chargeable therewith, and shall Issue Warrants for the Assessing Levying and Collecting thereof, in the Same manner as the other necessary and contingent Charges of the Counties aforesaid are AND for Paying the same unto the Trustees or Overseers, of Each Respective Town, Mannor or Precinct, on or before the Twenty fifth day of March in Every year, who are hereby required with the Consent of two or more Justices as aforesaid, to apply the Same, to and for the Relief of the Poor in each respective Town, Mannor or Precinct aforesaid.

AND be it Enacted by the Authority aforesaid, That the Said Trustees & overseers or such of Them, as have received Such Sum or Sums of Money, & as shall not be hindred by sickness or other Just excuse to be Allowed of by two Justices of the Peace or more as aforesaid, shall meet Together once every year at the Least in Each respective Town, Mannor & Precinct, and shall render upon oath unto two Such Justices of the Peace as aforesaid a True & perfect Accompt of all Such Sum or Sums of money by them so Received & applied as aforesaid, & all Such Sum or Sums of Money as Shall be in their Hands, Shall Pay & deliver over to the Trustees or overseers Respectively, who shall be Elected in the Several Towns, Mannors, or Precincts for the next Ensuing year, upon Penalty of Twenty Shillings, to be recovered before any one Justice of the Peace in the Respective Counties aforesaid to be applied to & for the Relief of the Poor where the Default shall happen.

THIS ACT to be of Force from the Publication hereof untill the first day of November one Thousand Seven Hundred & Forty Six.

## [CHAPTER 778.]

[Chapter 778, of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 741. Continued by chapter 803.]

An Act further to Continue an Act, Intituled an Act for & Towards Supporting the Government of this Colony, by Granting to his Majesty the Duties therein Mentioned from the first Day of December one Thousand Seven Hundred & Forty, To the first Day of December one Thousand Seven Hundred & Forty one.

[Passed, September 21, 1744.]

WHEREAS the Duties & Impositions granted for the Support of his Majesties Government in this Colony by the above mentioned Act, have by Several Subsequent Acts been Continued to the first Day of December next, & the General Assembly being willing to make Provision for the further Support thereof.

BE it Enacted by his Excellency the Governour the Council & the General Assembly, And it is hereby Enacted by the Authority of the Same That the above Mentioned Act, Intituled an Act for & Towards Supporting the Government of this Colony, by Granting to his Majesty the Duties therein Mentioned from the first Day of December one Thousand Seven Hundred & Forty To the first Day of December one Thousand Seven Hundred & Forty one Shall be & hereby is Enacted to be further Continued, and every Clause, Article, Matter, & thing therein Contained, To remain & be of Full Force & Virtue to all Intents, Constructions & Purposes whatsoever from the Said first Day of December next, until the first Day of December which will be in the year of our Lord, One Thousand Seven Hundred & Forty five.

## [CHAPTER 779.]

[Chapter 779, of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 691. Continued by chapter 919.]

An Act to Continue an Act Intituled an Act, to Restrain Hawkers and Pedlars within this Colony from Selling without Licence.

[Passed, September 21, 1744.]

BE IT ENACTED by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the  
Vol. III. 53.



Authority of the Same, That the Act Intituled an Act to Restraine, Hawkers & Pedlars within this Colony, from Selling without Licence, passed in the Thirteenth year of his present Majesties Reign, which will Expire by its own Limitation on the Twenty Fifth Day of March next Ensuing, Shall be Continued and Every Article, Clause, Matter and thing therein Contained shall be and hereby is Enacted to Remain of Full Force & virtue from the said Twenty fifth day of March next, Until the first Day of December which will be in the year of our Lord One Thousand Seven Hundred and Fifty one.

[CHAPTER 780.]

[Chapter 780, of Livingston & Smith where the act is printed in full Chapter 780 of Van Schaack, where nearly the entire act is printed. See chapter 934. The act is suspended by chapter 1536, during the continuance of that act.]

An Act for the better Clearing and further Laying out Publick High Roads in Dutchess County.

[Passed, September 21, 1744.]

ALTHOUGH all or most of the Publick High Roads are already Laid out & ascertained in Dutchess County, it may Nevertheless be Necessary to Lay out Some other High Roads in the said County for the Conveniency of Carriage & Travellers, and whereas the Act for laying out Roads in the said County is near Expired by its own Limitation

BE it Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That from & after the first day of December, one Thousand Seven Hundred & Forty four, The Persons herein after named Shall be and hereby are appointed Commissioners to regulate the High Ways, and to Lay out Such other publick Roads & high Ways as may Still be necessary within the Said County, and they & Each of them are hereby fully Authorized & Impowered to put in Execution the Several Services Intended by this Act, in such Precincts & Places only for which they shall be respectively named & appointed, That is to Say,

FOR the South Precinct Adolph Philipse Esqr. Thomas Davenport & James Dickeson Junr.

FOR Beekman Precinct Henry Beekman, Gilbert Livingston and James Duncan

FOR Rombaut Precinct William Ver Perplank Esqr. Cornelius Loesey & Ezekial Masten

FOR Poghkeepsie Precinct John Kouklin Gisbert Peelen & Abraham Frere Junr

FOR Cromelbow Precinct Jacobus Stoutenberg, Mordica Lister & Johannes Wilsey

FOR Rynbeck Precinct Henry Beekman Jacob Rutzen & Andrew Heerman

FOR the North Precinct Josiah Ross Johan Tis Smith & John Sacket

AND be it Enacted by the Authority aforesaid that the Commissioners or the Major part of them in their Respective Precincts for which they ARE named & appointed Commissioners, are hereby Authorized & Impowered to Regulate the Roads already Laid out, & to Lay out such other Publick Roads in the Several Precincts for which They are Appointed Commissioners, as to Them, or the Major part of Them shall Seem necessary & Convenient, & if need be to take a review of the Roads already Laid out and such of them as appear to be really Inconvenient, the Said Commissioners appointed for the Several Precincts if they think it necessary shall Lay out Such other Publick Roads as they or the Major part of them shall think most Convenient for Travellers and Inhabitants of the next Adjacent Precincts to Mills, Markets or Common Landing Places.

PROVIDED that nothing in this Act contained shall Extend or be construed to Impower the Commissioners aforesaid to Alter any Road that is already Commodious or to Lay the Same through Inclosed or Improved Lands without the Consent of the owner or owners thereof or Paying them the True Value of the Lands so Laid into an High Way, and if any Dispute Shall arise by that means, the Same shall be Determined, and the True Value Set & appraised by two Justices of the Peace & by the oath of Seven of the Principal Freeholders of the neighbourhood, not having any Interest in the Land, about which such Dispute may arise, the Freeholders to be Summoned by the Sheriff, by virtue of a Warrant to be Issued by the Said Two Justices for that Purpose, and Such Determination, shall be final & conclusive thereon, and whereas many Trees Standing girdled along the high Roads & by winds, fall therein, to the great Danger of Travellers & Inhabitants, Be it therefore Enacted by the Said Authority, that no Person for the future whatsoever, Shall girdle any Tree or Trees, Standing in or along



any of the Roads within the Said County, so that by such girdling the Same may fall in or over any Publick High Road under the Penalty of Three Shillings for every Tree so Girdled as aforesaid.

AND be it further Enacted by the Authority aforesaid that if any Person or Persons, Shall hereafter without the Consent of the Commissioners or the Major part of them for Such Precincts for which they are by this Act appointed Commissioners, Alter stop up or Lessen any high Way or Road, that heretofore hath been Laid out by Former Commissioners, Such Person or Persons so offending, contrary to the meaning of this Act, Shall for Every such offence, Forfeit the Sum of Forty Shillings current money of this Colony, to be recovered before any two Justices of the Peace upon the oath of any two or more Credible Witnesses, and Shall be Levied by Warrant from any two or more Justices of the Peace, directed to the Constable of Such Precinct where Such offence shall be Committed, by distraining the Goods & Chattels of the offenders, and the Said Constable after Six Days Publick notice given by him of the Said Distress, Shall make Sale thereof and out of the Produce, Pay the Forfeiture & Charges, and return the overplus if any be, to the owner or owners, which Said Forfeiture of Forty Shillings, Shall be applied by the Surveyors of the high Ways for & Towards repairing the Publick Roads or Bridges within the Precinct where such Forfeiture Shall arise.

AND be it further Enacted by the Authority aforesaid That if any common Publick Road or High Way shall be laid Through any Meadow Ground or Cornfield, the Breadth of the Said Roads, shall be left to the discretion of the Commissioners or the Major part of them for any Precinct or Place where Such Road shall Run as aforesaid, not Exceeding the Breadth of Four Rods or Less than two.

AND be it further Enacted by the Authority aforesaid, that the Inhabitants of the respective Precincts, by & through which any common Publick high Ways or Roads have or shall hereafter be ascertained or Laid out, Shall be & hereby are obliged to Clear & maintain the Same, by cutting & Stubbing up the Brush AND Lopping of the Limbs of the Trees that hang over the Said Roads, & Pulling up the Stones that can be moved, and to carry them out of the Road the Breadth of one Rod at least, and so often as the Said Inhabitants or any of them shall have notice from any one of the Respective Commissioners or overseers of the high Ways for the Time being,

They shall in their Turn Either by Themselves or by able Slaves or Servants, Clear & amend the high Ways not Exceeding Six Days in the year under the Penalty of Three Shillings for each Day every Person or Persons Shall neglect or Refuse Such Service to be Levied by the Constable in each Precinct by Distress & Sale of the offenders Goods & Chattels by Warrant from the Overseer of the high Ways, for the time being in each respective Precinct where Such offence shall be committed returning the Overplus of Such Sale (if any be) to the owner or owners, the constable being first paid for his pains and Trouble out of the Distress & Sale as is usual in the like Cases.

PROVIDED always & it is hereby further Enacted by the Authority aforesaid, That all Trees Standing or lying in any Persons Lands through which any common Publick High Way or Road is or shall be laid out, be for the proper use of the owners of the Same; but the said owners shall not hinder the Publick from making use of so much Timber, which is Standing or lying on that Road, as will amend the Said High Way or Bridges, Leading through that Land, and if no Timber can be found, upon the Said Road, within a Mile from Such Bridge or Bridges, it shall & may be Lawfull for the Inhabitants of such Precinct or Precincts to go upon the Grounds next adjoining, & there Cutt & carry away so much Timber as will make or Amend such Road or Bridges.

AND be it further Enacted by the same Authority, that where any high Way from any Neighbourhood or Precinct, to any Mills, Meadows, or Common Landing shall run through any Particular Persons Ground, it shall & may be Lawfull for such Person or Persons, by & with the approbation of any two Commissioners for such Precinct or Neighbourhood, to hang good Swinging Gates on Such high Ways, and he, she or they to keep them in Repair at their own Cost Provided NO Road Leading into or out of any Woods or Commons where the Cattle belonging to any Neighbourhood usually Pass through to or from the Commons or feeding ground, shall be Cloged or hindered by any Swinging Gates, unless by the Consent of the Major part of the Inhabitants of such Neighbourhood, and the Same high Ways Shall be Amended & maintained by the Inhabitants only of every such Precinct or Neighbourhood where Such Ways are or shall Run



AND be it further Enacted by the Same Authority that in case any Person or Persons shall stake or Shore open any Such Gate or Gates as aforesaid, or otherwise ride over or through any Land, Meadow Ground or Cornfields to the Damage of the Owners thereof, Such Person or Persons Shall for every such offence Forfeit the Sum of Six Shillings, to be recovered & applied by the Overseers of the High Ways in Each respective Precinct, where such offence shall be Committed, Towards Repairing the Publick high Ways and Pay all Such Damages with Cost to the owner of the Soil or the Tennant shall Suffer or Sustain thereby as shall be ordered & awarded by any one or more Justices of the Peace Residing near to the Place where Such offence Shall be Committed and the Determination of Such Justice Shall be Final & Conclusive therein.

AND be it further Enacted by the Authority aforesaid that if the overseers of the High Ways & Roads shall think fit & have occasion of any Team, Cart or Waggon & a Man to manage the Same, the Said Team Cart or Waggon, shall be Esteemed to be for & in Lieu of two Days work of one man, & the fine to be Proportionable that is Double to the Fine to be Imposed for the Neglect of one Person, and every workman shall be obliged to bring Such Tools, as Spades, Axes Crows pick axes or other Utensils as Shall be Directed by the overseers of the high ways.

AND be it further Enacted by the Authority aforesaid that if any of the Commissioners herein appointed shall neglect, Refuse, or Delay to put the Several Clauses in Execution, which are Mentioned & Expressed as THEIR Duty in this Act if thereunto required, or shall happen to Die, or Remove out of the Precinct for which He or they are Appointed Commissioners it shall & may then be Lawfull for the Justices of the Peace in the Sessions to be held for the Said County, To appoint in his or their stead another Commissioner or Commissioners in Such Place or Places where Such Refusal, Neglect, Death, or Removal Shall happen, which Commissioner or Commissioners so appointed, Shall be under the Same Restrictions and have the Same Power & Authorities as those named & appointed by this Act

AND be it further Enacted by the Authority aforesaid that the Commissioners for Each respective Precinct, for which they are Nominated or the Major part of them, shall from time

to time during the Continuance of this Act, Enter in writting all the high Roads or Ways by them Lay'd out Altered or Stopped up, and sign thereto & cause the Same to be Entred in the County Records by the Clerk of the Peace who is hereby Directed & Required to Record the Same, and whatsoever the Said Commissioners shall do according to the Power given them by this Act, being so Entered in the County Records, shall be Deemed Valid & good to all Intents & Purposes whatsoever.

AND be it further Enacted by the Same Authority that each Commissioner appointed or to be appointed by virtue of this Act, shall have take & Receive a Sum not Exceeding Six Shillings each Day as a Reward for his & their care & Trouble in Laying out & Regulating the High Ways in Each respective Precinct for which they are Severally Appointed, which Said Reward or Wages, shall not be a County Charge, but shall be Defrayed by each Precinct as they are Joyned in this Act, Payable in the Same manner as Such wages usually are or ought to be paid

AND be it further Enacted by the Authority aforesaid, That upon the Ordering of any one or more Justices of the Peace or any one or more of the Commissioners within the Precinct, for which He or they are Appointed as aforesaid, the overseers of the Precinct shall & do within Six Dayes thereafter, warn & Set at work the respective Inhabitants to mend & repair the Kings Roads & Bridges, which by Law & Custom they are obliged to Repair, and if the overseers shall neglect or Refuse to warn & Set to work the Inhabitants as aforesaid, and see the Said Roads Bridges and high Ways Amended & Repaired, Such overseer or overseers shall for Every Such Neglect or Refusall Forfeit or Pay a fine of Forty Shillings to be recovered before any one Justice of the Peace of the Said County, upon the oath of any one or more Credible witnesses, or on the view of Such Justice, or on the view of any one of the Commissioners within his or their district in the Common & usual method, which moneys shall be applyed Towards repairing the Said High Ways or Roads in such Precinct wherein the fine did arise.

PROVIDED always, and it is hereby further Enacted by the Authority aforesaid, That no Overseer shall be hereby Impow-  
ered to Command or Compel any Inhabitants of the aforesaid Precinct to work upon any Publick Road in time of Harvest without Special Occasion



PROVIDED also and it is hereby further Enacted by the Authority aforesaid that where the Inhabitants of a Small Neighbourhood or Plantation, should desire to have a Publick Road laid out the Commissioners aforesaid shall not be allowed to Lay out Such & so many Roads as the said Inhabitants should be Desirous to have, but only one Publick way, Leading from Such Neighbourhood or Plantation, to the nearest publick High Road from whence THEY can Travel or Transport to other Mills or Landing Places & where it shall be necessary to Lay out a Road from one Precinct to another as they are Joynd in the best & Streightest manner the Commissioners (in Such Case) of both Such Precincts are to meet & Consult where Such Road can be Lay'd out most Commodious, and to Lay out the Same accordingly, to the End Such Road may not only, Corrispond with Such other but be Laid out & Carried on in the most Convenient manner the nature of the Land will allow.

## [CHAPTER 781.]

[Chapter 781, of Livingston & Smith and Van Schaack, where the title only is printed. Expired September 21, 1745.]

An Act for Securing of his Majesties  
Government of New York

[Passed, September 21, 1744.]

WHEREAS an Invasion hath Lately been attempted against his Majesties Kingdom & Government in favour of a popish Pretender, But through the good providence of God his Majesties vigilance & the Readiness of his Faithfull Subjects was rendered abortive, and we his Loyal Subjects of this Colony abhorring such Traiterous conspiracies, and being Desirous to prevent the Machinations of all Emissaries of that kind & to Secure this his Majesties Government, and as much as in us Lies to prevent the Ignorant & unwearied from being Led away by Jesuitical & other pretences of vagrant Teachers

BE it Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That it shall & may be Lawfull for any of the Judges of the Court of Common Pleas in the Several counties within this Colony, with any two Justices of the Peace, under their hands & Seals, To Summon any Person (Except women & all other Persons under the Age of Twenty

years) or Persons they shall Suspect to be Disaffected to the Government, To appear before Them at a Certain day & time therein to be appointed, to take the herein after mentioned Oaths, vizt.

I, A. B. do Sincerely Promise & Swear, That I will be faithful & bear True Allegiance to his Majesty King George the Second So help me God.

I, A. B do Swear That I do from my heart abhor, Detest & abjure as Impious & heretical that Damnable Doctrine & Position That Princes Excommunicated or Deprived by the Pope or any authority of the See of Rome may be Deposed or murdered by their Subjects or any other whatsoever, and I do declare that no foreign Prince, person, Prelate, State or Potentate, hath or ought to have any Jurisdiction, Power, Superiority, Preheminence, or Authority, Ecclesiastical, or Spiritual within the Realm of Great Brittain, So help me God.

I, A. B do truly & Sincerely Acknowledge Profess Testifie & Declare in my conscience before God & the world That our Sovereign Lord King George the Second is Lawfull and Rightfull King of great Brittain & of all other his Majesties Dominion & Countreies thereunto belonging & I do Solemnly & Sincerely Declare, That I believe in my conscience That the person Pretended to be prince of Wales during the Life of the Late King James & Since his Decease pretending to be & taking upon himself the Stile & Title of King of England by the name of James the third or of Scotland by the name of James the Eighth or the Stile & Title of King of great Brittain, hath not any Right or Title whatsoever to the Crown of great Brittain or any other the Dominions Thereunto belonging, and I do Renounce, Refuse & abjure any Allegiance or obedience to him, & I do Swear that I will bear Faith & true Allegiance to his Majesty King George the Second & him will defend to the utmost of my Power against all Traiterous Conspiracies and attempts whatsoever, which shall be made against his Person, Crown or Dignity, and I will do my utmost Endeavour to Disclose & make known to his Majesty & his Successors all Treasons & Traiterous Conspiracies, which I shall know to be against him, or any of them and I do Faithfully promise to the utmost of my Power, To Support maintain & Defend the Succession of the Crown against him the Said James & all other Persons whatsoever, which Succession by an Act Intituled an Act for the further Limitation of the Crown & better



Securing the Rights and Liberties of the Subject is & Stands Limited, To the Princess Sophia Electoress & Dutchess Dowager of Hanover, and the Heirs of her Body being Protestants & all these things I do plainly & Sincerely acknowledge & swear according to these Express words by me Spoken & according to the Plain & common Sence and understanding of the Same words, without any Equivocation Mental Evasion or Secret Reservation whatsoever, and I do make this Recognition acknowledgement, Abjuration, Renunciation & Promise heartily willingly & Truly upon the True faith of a Christian So help me God.

UNTO which Oaths so taken Every Person So Summoned Appearing & taking the Same Shall Subscribe his name, and if he cannot write shall make his mark, which Summons so made as aforesaid, shall be served upon such Person or Left at the dwelling house or usual abode of Such Person with one of the Family there who shall be Informed of the Contents of such Summons, and if such Person who shall be so Summoned, Neglect or Refuse to appear according to Such Summons, That then upon Due proof to be made upon oath of the Serving the said Summons in manner aforesaid, which Oath the Person or Persons Specially appointed as aforesaid are hereby Enabled & Directed to administer, and they are hereby Required & Directed to Certify to the next Supreme Court (that shall be held after such Neglect or Refusal) the Person or Persons named so Neglecting & Refusing being duly Summoned as aforesaid, there to be Entered upon the Rolls of the said Court, and if such Person or Persons who Shall be so Summoned, to take the said Oaths, shall neglect or Refuse to appear & take the said Oaths, at the Supreme Court aforesaid, the name & names of the Person or Persons so Certified being first Publicly read & Proclamation made in the usual manner, That if the Person or Persons so Certified shall not appear during the Sitting of that Court & take the Oaths, as in & by this Act is directed, He or They shall be Adjudged a Dissaffected Person to the Government, & in such case Every such Person so neglecting or Refuseing, shall for every such offence Forfeit the Sum of Twenty Pounds & upon non Payment of that Sum, Shall suffer Six Months Imprisonment without Bail or mainprize

AND be it further Enacted by the Authority aforesaid, That any Person or Persons whatsoever, that shall be brought

before the Governour or Commander in Chief for the Time being in Council, and shall Refuse to take & Subscribe the oaths aforesaid, shall enter into Recognizance with Sufficient Sureties To appear at the next Supreme Court, and if the said Person or Persons shall then & there Refuse to take the said Oaths, Every Such Person shall for Such Refusal be Subject to the Fine & Imprisonment aforesaid.

PROVIDED nevertheless that whereas there are Certain Protestant Dissenters commonly called Quakers who Scruple the taking any Oath, it shall be Sufficient for every such Dissenter producing a Certificate under the hands & Seals of Three or more Sufficient Men of the Congregation to which he belongs owning him for one of Them, to make & Subscribe the following Declaration

I, A B do Sincerely promise & Solemnly Declare before God & the world, that I will be Faithfull & bear true Allegiance to his Majesty King George, & I do Solemnly profess & Declare, That I do from my heart, abhor, Detest & Renounce as Impious & heretical that damnable Doctrine & Position, That Princes Excommunicated or Deprived by the Pope or any Authority of the See of Rome may be Deposed or Murdered by their Subjects or any other whatsoever and I do Declare That no Foreign Prince, Person Prelate State or Potentate hath or ought to have any Power Jurisdiction Superiority Pre-eminence or authority Ecclesiastical or Spiritual within this Realm. And Every such Protestant Dissenter so Subscribing shall be & hereby is Exempted from the Penalties mentioned in this Act.

AND be it further Enacted by the Authority aforesaid That no Person being out of the Colony, at the Time of such Summons being Left at his House as aforesaid, Shall be Proceeded against, if he shall within Three Months after his Return into this Colony repair to Some officer appointed for that Purpose, and take the oaths as by this Act is Directed & Required.

AND to prevent Vagrant Preachers from Seduceing his Majesties Subjects, To throw of their Allegiance, be it Enacted that no Congregation or Assembly for Religious worship, shall be Permitted or allowed until the Place of such Meeting shall be Certified to the Justices of the Peace at the General or Quarter Sessions of the Peace for the County City or Place in WHICH Such meeting shall be held, which is to be Recorded by the Clerk of the Peace, who is hereby required to



Register the Same, and to give a Certificate thereof to Such Person as shall demand the Same for which he shall receive the Sum of one Shilling & no more.

AND be it further Enacted by the Authority aforesaid that no Vagrant Preacher, Moravian or Disguised Papist, shall Preach or Teach Either in Publick or Private without first takeing the Oaths appointed by this Act, and obtaining a Lycence from the Governour or Commander in Chief for the Time being and Every Vagrant Preacher Moravian & Disguised Papist that shall Preach without takeing such oath or obtaining Such Lycence as aforesaid Shall Forfeit the Sum of Forty Pounds with Six Months Imprisonment without Bail or Mainprize, and for the Second offence shall be obliged to Leave the Colony, and if They do not leave this Colony or Shall return they shall Suffer Such Punishment as shall be Inflicted by the Justices of the Supreme Court, not Extending to Life or Limb.

AND be it further Enacted by the Authority aforesaid That no Person or Persons whatsoever shall take upon Them to Reside among the Indians under the Pretence of bringing them over to the Christian Faith, but such as shall be Duly Authorized so to do by Lycence from the Governour or Commander in Chief for the time being by & with the Advice & Consent of the Council, & Every Vagrant Preacher, Moravian, Disguised Papist or any other Person Presumeing to Reside among & Teach the Indians without Such Lycence as aforesaid, shall be taken up & Treated as a Person takeing upon him, To Seduce the Indians from his Majesties Interest & shall Suffer Such Punishment as Shall be Inflicted by the Justices of the Supreme Court not Extending to Life or Limb

AND be it further Enacted by the Same Authority That all the Fines and Forfeitures Incurred by this Act shall be Recovered in any Court of Record within this Colony, by action of Debt, bill Plaint or Information, one half to the Person, that shall Prosecute & sue for the Same, and the other half for & Towards the Support of this his Majesties Government.

PROVIDED always & be it Enacted by the Authority aforesaid, that nothing in this Act contained Shall be construed to oblige the Ministers of the Dutch & French Protestant reformed Churches, the Prespeterian Ministers, Ministers of the Kirk of Scotland, the Lutherans, the Congregational Ministers, the Quakers and the Annobatists to obtain Certificaetes for their

Several Places of Publick Worship already Erected or that Shall be hereafter Erected within this Colony, anything in this Act to the contrary notwithstanding

THIS Act to be and remain of Force from the Publication hereof for the Term of one year & no Longer

[CHAPTER 782.]

[Chapter 782, of Livingston & Smith and Van Schaack, where the act is printed in full. See chapter 33.]

'An Act to alter the Time of Electing the Vestry Men and Church Wardens in Richmond County.

[Passed, September 21, 1744.]

WHEREAS by an Act of the General Assembly of this Colony, Intituled an Act for Settling a Ministry & Raising a Maintenance for them in the City of New York, County of Richmond, West Chester, & Queens County, passed in the Fifth year of their late Majesties William & Mary, The time appointed for the Electing of Vestry Men & Church Wardens is the Second Tuesday in the Month of January yearly, which Season of the year being generally wet & often Causes the Roads in the Said County to be almost Impassable, and thereby the Election becomes Extreamly Difficult to the Inhabitants of the Said County for Remedy whereof

BE it Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That instead of the Second Tuesday in January, the Election for Vestry Men & Church Wardens in the Said County of Richmond, Shall hereafter be on the Third Tuesday in the month of March yearly, and the Justices of the said County, are hereby Impowered & Directed to Issue their Warrants to the Constables to Summon the Freeholders to meet Together on the Third Tuesday of March yearly to make the Said Election, & the Vestry Men and Church Wardens so Elected, shall be & hereby are vested with the Same Powers & Authorities as if they had been Actually Elected on the Second Tuesday in January, anything in the Aforesaid Act to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid That the Several Justices Church Wardens Vestry Men & Constables of the said County for the Time being And all other



persons whatsoever Shall be Subject to the Same Fines penalties & Forfeitures as in and by the said recited Act or any Subsequent Act they are made lyable to for any Omission or Neglect of Duty thereby required to be done and performed by them or any of them respectively

[CHAPTER 783.]

[Chapter 783, of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 1, 1745.]

An Act for Paying out of the Funds Appropriate for Support of this Government, the Salaries & Services therein Mentioned

[Passed, September 21, 1744.]

BE IT ENACTED by his Excellency the Governour, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the Same That the Treasurer of this Colony, Shall be & hereby is Impowered & Required out of the Moneys Appropriated, or that shall be Appropriated for the Support of this Government, to the first Day of December, which will be in the year One Thousand Seven Hundred & Forty Five, to pay at the Times and in the manner hereinafter Directed, the Several Salaries Services & Allowances following (vizt.)

TO his Excellency the Governour for his administring the Goverament of this Colony from the first day of September One Thousand Seven Hundred & Forty four, To the first day of September which will be in the year of our Lord one Thousand Seven Hundred & Forty five after the rate of One Thousand five hundred & Sixty Pounds pr. Annum.

TO his said Excellency the Governour for one years House Rent from the first Day of September one Thousand Seven Hundred & Forty four To the first day of September which will be in the year of our Lord one Thousand Seven Hundred & Forty Five, after the rate of one hundred Pound per Annum.

TO his said Excellency for monies advanced by him for a Centry Box, for Expresses, & for Several other Disbursements for the Publick Service, the Sum of Nineteen pounds, Ten Shillings and two pence, whose Receipt shall be to the Treasurer a good Voucher and Discharge for the Same.

TO the Governour, or Commander in Chief for the time being for Presents to the Six Nations of Indians for one year, to

wit, from the Thirteenth of June one Thousand, Seven Hundred & Forty four, To the Thirteenth of June, One Thousand Seven Hundred & Forty five the Sum of Four hundred Pounds, which is to be Laid out & Employed in Proper presents for & to the said nations; if it be found necessary for the Governour or Commander in chief to Renew the Treaty with Them the Ensuing Summer.

TO the said Governour or Commander in Chief for his Voyage to Albany the Sum of one Hundred and Fifty pounds.

TO the said Governour, or Commander in Chief for the time being after the Thirteenth of June next, The Sum of Four hundred Pounds, to Provide and Furnish the Fort & Garrison in New York, with Fire Wood & Candles from the said Thirteenth of June, until the Thirteenth of June, which will be in the year of our Lord, one Thousand Seven Hundred & Forty Six.

TO Stephen Van Renselaer for Providing & Furnishing Fire Wood and Candles to the Several Garrisons in the City & County of Albany, from the Thirteenth of June last past, To the Thirteenth of June which will be in the year one Thousand Seven Hundred & Forty five, The sum of two Hundred and Five Pounds.

TO the Commissioners of Indian Affairs at Albany for their Disbursements & Expences to & concerning the Six Nations & other Indians, and for Presents to Them as Occasion may require for the Publick Service of the Colony, & to confirm them in the Brittish Interest, from the first of September one Thousand Seven Hundred & Forty four To the first day of September one Thousand Seven Hundred & Forty five, The Sum of one Hundred and Seventy Pounds & for Extraordinary Incidents at this Juncture the further Sum of Thirty pounds

TO John Lansingh Junr. & Company for their Service as Smiths in the Senecas Country from the first of September One Thousand Seven Hundred & Forty Three, To the time of their Leaving the said Place the Sum of Forty Pounds

TO the Commissioners of Indian affairs, by them to be laid out in Proper Presents for the Indians and Sent to the Smiths now Residing in the Senecas Country, The Sum of Twenty Pounds.

TO Jacobus Bleeker for his Salary as Indian Interpreter & for all other Services that he has been or may be Directed to do, by the Governour or COMMISSIONERS of Indian Af-



fairs, from the first of September one Thousand Seven Hundred & forty four, To the first of September one Thousand Seven Hundred & Forty five, The Sum of Ninety Pounds, and after that Rate if by Death or otherwise, he should not perform that Service to the time last Mentioned

TO the Reverend Henry Barclay for his care Diligence & Industry to Instruct the Indians in the Christian Religion & in Reading, and writting & thereby confirming Them in the Brittish Interest from the first of September one Thousand, Seven Hundred & Forty four, To the first day of September one Thousand Seven Hundred & Forty Five, the Sum of Twenty Pounds, & his Receipt shall be to the Treasurer, a Good Voucher & Discharge for the said Sum

TO James DeLancey Esqr. as Chief Justice of the Supreme Court of this Colony, & for his going the Circuits in the Several Counties thereof from the first of September one Thousand, Seven Hundred & Forty four To the first day of September one Thousand Seven Hundred & Forty Five, The Sum of Three Hundred Pounds, and after that Rate if by Death, or otherwise, He should not hold that Post so long as to the time Last mentioned.

TO Frederick Philipse Esqr. as Second Justice of the Said Supreme Court & for his going the said Circuits from the first of September one Thousand Seven Hundred & Forty four, To the first day of September one Thousand, Seven Hundred & Forty five the Sum of one Hundred Pounds and after that Rate if by Death or Otherwise, he should not hold that Post so long as to the Time last mentioned

TO Daniel Horsmanden, Esqr. as third Justice of the said Supreme Court, & for his going the Circuits when there shall be Occasion for it FROM the first of September, one Thousand Seven Hundred & Forty four, To the first Day of September one Thousand Seven Hundred and Forty Five, the Sum of Fifty pounds, and after that Rate if by Death or Otherwise He should not hold that Post so long as to the time last Mentioned.

TO the Secretary of this Colony for the time being for Engrossing & Enrolling the Acts of the General Assembly from the first of September one Thousand Seven Hundred & Forty four, To the first Day of September one Thousand Seven Hundred & Forty Five the Sum of Thirty Pounds.

TO the Clerk of the Council for the time being for his Services & Attendance on the Council During the Sitting of the General Assembly & for all Publick Services performed or to be performed by him in that Station from the first of Sep-

tember one Thousand Seven Hundred and Forty four, To the first Day of September one Thousand Seven Hundred & Forty Five the Sum of Thirty Pounds.

TO the Door keeper of the Council for the time being for his Services in that Station, from the first of September, one Thousand Seven Hundred & Forty four, To the first Day of September one Thousand Seven Hundred & Forty Five, the Sum of Twenty Pounds.

TO James Parker for his Extraordinary Services the Last year as Printer before the Commencement of his Salary the Sum of Twelve Pounds & Ten Shillings, & his Receipt for the Said Sum Shall be to the Treasurer a Sufficient Voucher & discharge for the Same.

TO the Said James Parker as Publick Printer, for Printing the VOTES Proceedings & Acts of the General Assembly, & delivering a Compleat Sett thereof to the Governour & Each of the Members of the Council and General Assembly, as Likewise a Sett of Acts to Each of the County Clerks for the use of the Counties, & for Printing Proclamations, & all other Publick Acts of the Government, from the first of September one Thousand Seven Hundred & Forty four, To the first Day of September one Thousand Seven Hundred & Forty five after the Rate of Fifty Pounds pr. Annum.

TO Adolph Brass as Land & Tide Waiter of the Colony Duties, or to the Land & Tide Waiter thereof for the time being from the first of September one Thousand Seven Hundred & Forty four, To the first day of September One Thousand Seven Hundred & Forty five after the rate of Thirty Pounds pr. Annum.

TO John Kip for his Services as Gauger of Liquors Subject to the Said Duty, or to the Gauger thereof for the time being from the first of September one Thousand Seven Hundred & Forty four, To the first day of September, one Thousand Seven Hundred & Forty five after the rate of Thirty Pounds pr. Annum.

TO George Duncan Clerk of the General Assembly or to the Clerk thereof for the time being, for his Services in that office & for Engrossing all Publick Acts & furnishing Paper, from the first of September one Thousand Seven Hundred & Forty four, To the first Day of September one Thousand Seven Hundred & Forty five, at the Rate of Twelve Shillings a Day, Payable upon a Certificate of the General Assembly, Signed by



the Speaker thereof for the number of Dayes he has Served or may Serve in Each Sitting or Session.

To the Said George Duncan for his Extra Services in this Session THE Sum of Five Pounds & his Receipt to the said Treasurer, Shall be a Sufficient Voucher & Discharge for the same

TO Alixander Lamb as Door keeper to the General Assembly, or to the Door keeper thereof for the Time being from the first of September one Thousand Seven Hundred & Forty four, To the first Day of September one Thousand Seven Hundred & Forty five, at the rate of five shillings a Day Payable upon a Certificate of the General Assembly, Signed by the Speaker thereof for the Number of Days he has Attended or shall attend that Service in Each Session out of which Sundays are to be deducted.

TO the said Alexander Lamb for Sundry disbursements by him for the use of the General Assembly, The sum of One Pound Nineteen Shillings & nine Pence, and his Receipt to the Treasurer Shall be a Sufficient Voucher & Discharge for the Same.

TO Abraham De Peyster Esqr. Treasurer of this Colony or to the Treasurer thereof for the time being for the Services which have been or shall be Performed by him in that office, from the first of September one Thousand Seven Hundred & Forty four, To the first Day of September One Thousand Seven Hundred & Forty five, after the Rate of Two Hundred Pounds pr. Annum.

TO George Joseph Moore to be by him paid unto the Several Persons to whom the Same is Due for the Charge of Victualling & Prosecuting John Stephens lately Executed for Counterfeiting the Bills of Credit of this Colony, the Sum of Nineteen Pounds, three Shillings & Six Pence, over & above the Sum of Sixty Pounds allowed in the last Application Act for that Purpose, and his Receipt to the TREASURER Shall be a Sufficient Voucher & Discharge for the Same.

TO William Jamison High Sheriff of New York for Executing the said John Stephens the Sum of Three pounds and his receipt to the said Treasurer Shall be a Sufficient Voucher & Discharge for the Same

AND for the Due & orderly Payment of the Several Articles aforesaid Allowed by this Act, be it Enacted by the Authority aforesaid, That the following Allowances shall be upon War-

rants Issued in Council, signed by the Governour or Commander in Chief for the Time being by & with the Advice & consent of the Council at the respective Times hereunder Mentioned, That is to Say.

THE Articles to his Excellency the Governour for his Salary & House Rent, To the Three Justices of the Supreme Court, to the Indian Interpreter, To the Secretary, to the Clerk of the Council, To the Door keeper of the Council, to the Printer for his Salary, to the Land & Tide Waiter, & to the Gauger quarterly, Either from the first of September one Thousand Seven Hundred & Forty four, or from the Particular Times mentioned in the Allowances of any of the Said Articles, And for the Articles for Fire Wood & Candles in New York & Albany, for the Commissioners of Indian Affairs, and to John Lansing Junr. after the Thirteenth of June next, and for the Article for Presents to the Indians, At the Time herein before Mentioned and for his Voyage to Albany after the Thirteenth of June next.

BE it Enacted by the Authority Aforesaid that every such WARRANT or warrants as aforesaid Issued at the Time and Times above Mentioned for the Respective Sum & Sums of money allowed in this Act, Shall be paid by the Treasurer out of the money hereby Applied for that Purpose, to the Person or Persons to whom the Same shall be made Payable, or to his or their Assigns, and his or their Receipt thereon shall be to the said Treasurer a good Voucher & Discharge in Law for so much as Shall thereby be Acknowledged to have been Received, Provided, the Same do not Exceed the respective Sum or Sums allowed by this Act.

BE it Provided & Enacted by the Authority aforesaid That if his Excellency Should happen to Die, or to be Superseeded in the Administration of this Government, or that any of the before Mentioned officers should happen to Die, or be removed from their respective offices, before the first Day of September one Thousand Seven Hundred & Forty five, Warrants may be Issued in manner aforesaid, for so much only out of the Respective Sum or Sums allowed in this Act, as at the Time of Such Death Supersedure or Removal, shall bona Fide be then Due to him or them, and if Such Warrant or Warrants, shall not Exceed Such Arrear, the Treasurer is to Pay the same to Such officer or officers respectively or to his or their Executors Administrators or assigns and the Remainder of such Allow-



ance or Allowances, is to be kept in the Treasury till Disposed of by Act or Acts thereafter to be Passed for that Purpose.

BE it Enacted by the Authority That if by mistake or otherwise any Warrant or Warrants might Issue in manner aforesaid for any matter or thing not Provided for in this Act, or Exceeding the respective Sum or Sums allowed in it, and that the Same should be Tendered for Payment to the Treasurer, he is hereby strictly charged & required not to pay the Same, and if any suit or suites should be brought against him for such Refusal or Refusals, he is to Plead the General Issue & give this Act in Evidence, and if a verdict pass for the Defendant, or the Plaintiff be non-suit or forbear Prosecution, the Defendant shall have Treble Costs, to be Recovered as in other Cases where Costs are given by Law to Defendants.

BE it Enacted by the Authority Aforesaid That the Allowances to the Clerk and Door Keeper of the General Assembly shall be paid by the Treasurer upon their Producing the Certificates herein before Mentioned, and their respective Receipts thereon shall be to the said Treasurer, a good Voucher & discharge for so much as shall be Acknowledged in such Receipts to have been received, Provided the Same do not Exceed the Rates hereby Severally allowed to each of them, and that the following allowances (vizt.) To Mr. Barclay the additional Articles to George Duncan & Alexander Lamb, shall be paid by the Treasurer to Them, respectively in the manner directed by this Act, and that the two hundred Pounds therein Allowed to the said Treasurer for his Services during the time before Mentioned, shall be a good Discharge to him for so much in his Accounts

BE it Enacted by the Authority aforesaid that when all the Several Articles allowed by this Act, shall be paid & Discharged in the manner therein Directed, out of the Monies hereby Applied for that purpose, the Remainder of the said Monies Shall be kept in the Treasury until the Same Shall be Applied and Disposed of to and for the Support of this Government by Act or Acts hereafter to be Passed for that Purpose.

AND be it Enacted by the Authority aforesaid That the Treasurer shall keep Exact Books of the Several Payments which by this Act He is Directed to make and to Render true Accompts thereof upon Oath to the Governour or Commander in CHIEF for the time being to the Council, or to the General Assembly when by Them or any of Them thereunto Required.

## [CHAPTER 784.]

[Chapter 784 of Livingston & Smith, where the act is printed in full. Chapter 784 of Van Schaack where the title only is printed. Repealed and provided for by chapter 1000.]

An Act to Establish the Rates to be taken  
for Wharfrage of Ships & Other Vessels using  
the Three Wharfs therein Mentioned.

[Passed, September 21, 1744.]

WHEREAS the Owners & Proprietors of the Wharff called Burnets Key in the City of New York, have by their Petition presented to the General Assembly, Set forth, that an Act, Intituled an Act for Regulating the Rates to be taken for Ships & other Vessells using the Wharff called Burnets Key in the City of New York, Passed in the Eighth year of his Majesties Reign, will Expire by its own Limitation on the first Day of December next Ensuing, and therefore Humbly Prayed the Same might be continued for a Longer Term of years, with Such Other Additions & Regulations as to the Said Assembly Should Seem meet.

AND Whereas the Owners & Proprietors of another Free Wharff between the Great Slip & Conties Dock, in the Dock ward, and the Owners & Proprietors of one other Free Wharff between the Smith Fly Slip & Burlings Slip, in the East Ward of the said City, have by their Respective Petitions to the said Assembly, Humbly Prayed, That they may be Intituled to the like Wharffages & be under the same Regulations, as the Proprietors of Burnets Key, are now or shall be Intituled unto.

AND Whereas the Several Requests above Mentioned are Conceived reasonable, and that the Wharfrage of all the afore-said Wharffs may be put upon the same footing, & under one and the Same Regulations.

BE IT ENACTED by his Excellency the Governour the COUNCIL & the General Assembly and it is hereby Enacted by the Authority of the Same, That it shall & may be Lawfull to & for the Present owners & Proprietors of the three before mentioned Wharffs, or the owners & Proprietors thereof for the Time being, so far as the same Front the East River, to Demand take and Receive for & to their Respective use & uses,



for all Ships & Vessells using the Same, from & after the first Day of December in this present year One Thousand Seven hundred & Forty four, the Wharfage, and Rates following, That is to Say,

FOR Each Ship, Brigantine, Sloop, Scooner, or other Vessel of Sixty Tons or upwards, whilst Careening, Loading, or unloading at the said Wharfs, every Day the Sum of Six Shillings current money of this Colony.

For Each Such Vessel not Loading, unloading, or Careening, but Lying fast to the said Wharfs, under a week, after the Rate of two Shilling for Each Day.

For Every Day more than a Week, One Shilling and Six pence.

BE it Provided & Enacted, That all Such Vessells, only lying fast to the said Wharfs, shall move off at any Time, to Suffer a Vessel, to Load, unload or Careen, on failure whereof after request, They shall Pay, such Rates afterwards, for the use of the said Wharfs, as the Vessel would have paid which was really & bona fide Intended to be Loaden, unloaden or Careened there

BE it further Provided & Enacted, That all Vessells, which shall make fast to Vessells that are fastened to the Wharfs and shall so Lye fastened or Load, unload or Careen, shall Pay half the Rates, as if they were fastened to the Wharfs, or there Loaded, Unloaded or Careened.

And be it further Enacted that all Vessells under Sixty Tons Burthen, and of Twenty five Tons & upwards, shall Pay for Lying fast & for Loading Unloading & Careening, one half of the Rates for the Purposes herein before Mentioned.

AND all Vessells under Twenty five Tons for Lying fast, or Loading, Unloading or Careening, one fourth part of the Rates for the Purposes herein before Mentioned.

BE it further Provided & Enacted, That all Coasting Vessells not being Actually Loading, Unloading or Careening, shall upon Request move off & Suffer any Sea Vessel or Vessells paying a higher Rate, to come in her Place, on failure whereof Such Vessel shall afterwards Pay, such Rate and Rates, as the Vessel would have paid, which was—really and bona fide, Intended to be Loaded, Unloaded or Careened there.

AND WHEREAS it would be very difficult for the Owners & Proprietors of the Three Wharfs, above Mentioned & described, Personally to Collect and Receive the said Wharfage, Be it Enacted by the Authority Aforesaid that it shall & may

be Lawfull, to & for the Owners & Proprietors for the time being, or the Major part of each of the said Three Wharffs respectively, To depute & appoint from time to time, Either one of their own number or some other proper Person, to be the Wharfinger or Overseer thereof, and Such Wharfinger shall have the ordering & Regulating of the Wharff he shall so be appointed for as aforesaid, and of the Births of the Ships & Vessells, that shall Load, Unload Careen at, or Fasten to the Same, & full Power to Demand & receive the Wharfage thereof, and if the Said Wharfage shall not be paid on Demand, for the Ship or Vessel that shall so use Such Wharff, after he shall have Hawled from the Same, or before she Departs out of this Harbour, Either according to the Rates before Mentioned or according to Such Especial Agreement as may have been made between him & Such Master, the Same Shall & may be Recovered before any one Justice of the Peace, upon the oath of any one or more Credible Witnesses, Provided THE Sum so Demanded or Sued for doth not Exceed the Sum of Forty Shillings And all the Wharfage which shall be received & Recovered by every one of the said Wharfmasters, by virtue of this Act, shall be for the Benefit of the Owners & Proprietors of the Respective Wharffs at which the Same shall be come Due, to whom, He or they, shall annually be accountable and Answerable for the Same.

AND WHEREAS the before Mentioned Wharffs are often so Incumbered by Lumber, Millstones or other Merchandize, That it Incommodes the Loading and Unloading of Vessells, and the Passing and Repassing of Carts on Them, Be it therefore further Enacted by the Authority aforesaid, That if any of the said Wharffs, should at any time or times be so Incumbered, the Wharfinger of Such Wharff & Wharffs, shall and may warn and order the owner & owners of such goods, To remove them from thence within a Reasonable time, and if such Goods shall not be Removed accordingly, It shall be Lawfull for such Wharfinger, to Summons the owner or owners thereof, before the Mayor, Recorder, or any one Alderman of the City of New York, who upon Proof made before him, That such Warning had been given, and that Such Incumbrances Remained on the said Wharff or Wharffs, Longer then he shall Judge a Reasonable Time for their Removeal, He shall and may Award Such Fine on the owner or owners of them, as he in his Discretion shall think meet, not Exceeding the Sum of Six Shillings, all-



ways Excepted the Appurtenances of Vessells Careening at such Wharfs, Provided the same shall be removed within a Reasonable time after she or they shall have been Careened,

PROVIDED also and be it Enacted by the Same Authority that nothing herein Contained, Shall Impair the Right, which the Mayor, Aldermen and COMMONALITY of the City of New York, have to the Dock and to the Several Slips herein before Mentioned, but the Same shall be Saved to Them, and their Successors, as fully as if this Act had not Passed.

THIS Act to be and Continue of Force from and after the Aforesaid first Day of December in this Present year, Until the first Day of December which will be in the year One Thousand Seven Hundred & Fifty four

#### [CHAPTER 785.]

[Chapter 785 of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 1, 1750.]

[An Act to Lay a Duty on Empty Casks not made in this Colony, That shall be Imported into the City of New York.

[Passed, September 21, 1744.]

WHEREAS there was heretofore a Duty Imposed on Empty Cask that should be brought from other Colonies into the City of New York for the Just Reasons mentioned in the Preamble of an Act Intituled an Act, to Lay a Duty on Empty Cask Imported into the City of New York, during the Time therein Mentioned passed in the Eighth year of his Majesties Reign, And whereas a great Number of Coopers Inhabiting in the said City have by their Petition to the General Assembly Set forth That ever Since the Determination of the Duty aforesaid, Such vast Quantities of Empty Cask have been Imported & Sold in it, chiefly if not altogether from the Place in which so great a Duty is Imposed on Materials to make Cask of, as amounts to a Prohibition, by means whereof the Tradesmen of their Profession, are Laid under Such Difficulties & Discouragements as will (if not relieved therein) soon oblige many of Them, Either to quit their occupation, or to Remove Elsewhere and therefore Humbly Prayed such Relief in the premises as to the said Assembly should Seem meet. AND that all reasonable

Encouragement may be given to an Occupation so usefull for carrying on our Commerce & Navigation as that of Coopers residing in the Said City

BE IT ENACTED by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That there shall be & hereby is given & granted to his Majesty his heirs & Successors to & for the uses herein after Mentioned & for no other use or Purpose whatsoever the Duty here under Mentioned, on all Empty Cask made out of this Colony, That shall after the Publication of this Act be Imported into the City of New York, Either directly or otherwise that is to Say

FOR Every Tight Hogshead the Sum of Three Shillings, For Every Tight Barrell Eighteen Pence, For Every Tight half Barrell, anchor, half anchor, or any Tight Cask not before named one Shilling, for Every Flower & Bread Barrell one Shilling & for Every Flower or Bread half barrell or other Dry Cask not before named Nine Pence.

And that due Inspection may be made of Empty Cask not made in this Colony & which shall be brought into the Said City, & the Duty thereon Effectually Colected, Be it Enacted by the Authority aforesaid, That the Persons hereunder named, & Each and every of Them Shall be & hereby are fully Authorized & Impowered for that Purpose, That is to Say, Robert Richardson Samuel Dunscomb, John Thurman, Peter Kip Jun's John Van Wyck, & John Dunscomb.

BE it further Enacted that the Persons above named & each of Them Shall be & hereby are Injoined obliged & Required to Pay half yearly, one half of the money to arise by virtue of this Act, unto the Treasurer of this Colony Towards the Support of this Government, and the other half to be Retained by the Person or Persons Colecting & paying the Same as a Reward for his or their Trouble therein, and they & Each of them are farther Enjoined & Required at every such Payment to the Treasurer as aforesaid, to Deliver unto him upon Oath a Particular Accompt, how much the Said Duty has amounted to, at the End of Every Six Months, which Oath the Said Treasurer is hereby Impowered to Administer

And be it further Enacted by the Authority aforesaid, That in case any Empty Cask or Casks, not Actually containing any Merchantable Goods or Liquors shall be Imported & Lande



In this City before the Duties by this Act Imposed shall have been Discharged and Paid & Proof thereof made on oath by one or more Credible Witnesses before one of the Aldermen of this City, who are hereby Impowered to receive Such Proof, Such Cask, shall be Adjudged Forfeited, the one half to any PERSON That shall Inform & Sue for the Same to Effect, & the other half to his Majesty to be applyed Towards the Support of the Government of this Colony.

BE it Declared and Enacted by the Authority aforesaid, That in case any new Cask made in Another Colony, should first be brought into this Colony, & afterwards Imported into the Said City of New York, the Same shall be Subject & Lyable to the Like Duties and Forfeitures as if they had been directly Imported from such other Co'ony into the Said City of New York, any thing herein or in any other Law to the Contrary thereof notwithstanding.

THIS Act to Continue and be in Force from the Publication thereof, To the first day of December which will be in the year of our Lord, One Thousand Seven Hundred & Fifty

[CHAPTER 786.]

[Chapter 786 of Livingston & Smith and Van Schaack, where the title only is printed.]

[An Act for Raising the Sum of Three Hundred Pounds for Finishing & Compleating the Fortifications in the City of Albany.

[Passed, September 21, 1744.]

WHEREAS it has been Represented that the Monies raised by virtue of Two Acts of the General Assembly the one Intituled an Act for the more Effectual Fortifying the City of Albany, The other, Intituled an Act further to Fortify the City of Albany and Town of Schenectady and for Raising the Sum of Four Hundred and Fifty Pounds to Defray the Expence thereof, Passed in the Sixteenth and Seventeenth years of his present Majesties Reign, have not been Sufficient to answer the Purposes in the said Acts mentioned

BE it therefore Enacted by the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That for Finishing & Compleating the Several Purposes in the aforesaid Acts Mentioned, The Supervizors of

the Said County of Albany or the Major part of them, at their next meeting, Shall be & hereby are Authorized & Required, to Raise and Levy within the said County (the Township of Schonectady Excepted) a further Sum not Exceeding the Sum of Three Hundred Pounds, which said Sum shall be Esteemed as a Part of the County Charge, and shall be Raised Levied & Collected in the Same manner as the other County Charges are, and the Money so Raised Levied and Collected as aforesaid, Shall be paid into the hands of THE Treasurer of the Said County and by him paid unto the Mayor Recorder or Aldermen of the Said City or the Major part of them for the Purposes aforesaid, or to Such other Person or Persons as the said Mayor, Recorder or Aldermen, or the Major Part of them, shall order and Direct.

## [CHAPTER 787.]

[Chapter 787 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for Naturalizing Isaac Abrahams  
& Pieter De Wint

[Passed, September 21, 1744.]

WHEREAS the above named Isaac Abrahams and Pieter De Wint have by their Petitions presented to the General Assembly of the Colony of New York desired that They might be Naturalized & become his Majesties Liege Subjects within the said Colony.

BE it therefore Enacted by his Excellency the Governour the Council and the General Assembly & it is hereby Enacted by the Authority of the Same, that the above named Isaac Abrahams & Pieter De Wint, shall be & hereby are Declared to be naturalized to all Intents Constructions and Purposes whatsoever, & from henceforth & at all Times hereafter, Shall be Intituled to have & Enjoy all the Rights, Liberties, Priviledges and Advantages, which his Majesties natural born Subjects in the said Colony have & Enjoy, or ought to have & Enjoy, as fully, to all Intents & Purposes whatsoever, as if the said Isaac Abrahams & Pieter De Wint had been born within his Majesties Colony of New York, Provided always & it is hereby further Enacted by the Same Authority, That the said Isaac Abrahams & Peter DeWint, Shall take the oaths appointed



by Law Instead of the oaths of Allegiance & Supremacy, Subscribe the Test & make, repeat, swear to, and Subscribe the Abjuration Oath, in any of his Majesties Courts of Record within this Colony, which hath the said Courts are hereby required upon application to Them made to administer, take Subscriptions & cause the names of the Persons so Swearing & Subscribing to be Entered upon Record in the said Court, and the said Isaac Abrahams & Pieter De Wint, are Each of them to pay, To the Judge of the Court the Sum of Six Shillings, and to the Clerk of Such Court the Sum of Three Shillings.

AND be it further Enacted by the Authority aforesaid. That if THE said Isaac Abrahams & Pieter De Wint or Either of them having so Sworn & Subscribed as aforesaid, shall apply for a Certificate of his or their being duly Entered upon Record in the manner herein before Directed, the Court or Courts in which such oaths & Subscriptions shall be made are hereby directed & required to grant such Certificate, under the hand of the Judge & Seal of the said Court or Courts, in which such oaths & Subscriptions as aforesaid shall be made, Countersigned by the Clerk of the said Court, For which Certificate Each of Them Shall Pay over and above the Sums aforesaid, the Sum of Six Shillings, one half to the Judge of such Court, and the other half to the Clerk thereof, which Certificate or Certificates, shall at all Times be to the Person or Persons therein named a Sufficient Proof of his or their being naturalized by virtue of this Act in as full and Effectual a manner, as if the Record aforesaid was actually Produced by the Person or Persons so named in Such Certificate.

PROVIDED also & be it further Enacted by the Authority aforesaid, That such of the Persons hereby Naturalized, as shall not take the Oaths, Test and Abjuration, in manner herein before Directed within Three Months after the Publication hereof, shall have no manner of Benefit of this Act, any thing therein contained to the Contrary notwithstanding.

PROVIDED and be it hereby further Enacted by the Authority aforesaid, That in the oath of Abjuration, to be Administered to Such of the Persons hereby Naturalized, as is of the Jewish Religion, the following words, vizt, (upon the true Faith of a Christian) shall be Omitted, Pursuant to an Act of Parliament, passed in the Tenth year OF his Late Majesties Reign, anything herein to the Contrary notwithstanding.

THE TWENTY-THIRD ASSEMBLY.

*Fourth Session.*

(Begun Mch. 12, 1745, 18 George II, George Clinton, Governor.)

[CHAPTER 788]

[Chapter 788 of Livingston & Smith and Van Schaack, where the title only is printed.]

AN ACT to repay the Sum of Two Hundred & Seventy Pounds, Advanced by Several Persons for the Services therein Mentioned

[Passed, May 14, 1745.]

WHEREAS it appears by the Copy of a Bill (Said to be Preferred to the Honourable the House of Commons) to prevent the Issuing of Paper Bills of Credit in the Brittish Colonies & Plantations in America, to be Legal Tenders in Payment for mony; That there are two Clauses contained in it, which if passed into a Law, might greatly Affect his Majesties Subjects in General in the Brittish Colonies in America.

AND WHEREAS the Knowledge hereof was discovered during the Recess of the General Assembly, It was conceived, That if an Opposition to those Clauses in behalf of this Colony, should be Defered until it could be Ordered by the Legislature, It might not arive in England during the Present Session of Parliament.

AND therefore that timely application might be made to prevent these Clauses from being Passed into a Law, Several Persons of the City of New York, very readily & Voluntarily Advanced so much mony, as Purchased a bill of Exchange for the Sum of one Hundred & fifty Pounds Sterling; which has by Managers appointed by them long Since, been Transmitted to Messrs: Samuel & William Baker of London, with Proper remarks Observations and Directions to Employ the same, or Such part of it As Shall be necessary to and for Solicitations to be made in the Strongest and most Effectual manner, That the Said Clauses do not remain part of the said Bill.

AND it being highly Reasonable and Just, That the mony so generously advanced as aforesaid, should be Punctually Repayed,

Be it Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, that the Treasurer of this Colony, shall be & hereby is, Authorized Enabled & Required to borrow out



of any mony in the Treasury, by virtue of any Fond or Fonds whatsoever, Except of the Fonds appropriated for the Support of this Government, the Sum of Two Hundred & Seventy Pounds and to Pay the same to the Respective Persons it has been Advanced by, in the manner & for the use before mentioned, or to their respective Executors, Administrators or Assigns in such Proportion, as is mentioned in a List of the names and Sums SO Advanced as aforesaid, Signed by the Speaker and Counter Signed by the Clerk of the General Assembly, and Proper Receipts for the Respective Sums mentioned in the Said List, shall be good Vouchers & Discharges to the Treasurer, for the Payment thereof, so as the whole doth not Exceed the before mentioned Sum of two Hundred and Seventy Pounds, and the List before Mentioned, is by the said Clerk to be Delivered unto the Treasurer, for the purpose aforesaid Immediately after the Publication of this Act.

AND be it Enacted by the Authority Aforesaid, That if the Expense of the Solicitation about the Bill aforesaid, shall prove to be Less than the Sum Remitted for that Service, The overplus Shall be applyed and disposed of, as by Act or Acts hereafter to be Passed for that Purpose shall be Directed, & that in case the said Expence shall Exceed the Said Remittance the General Assembly shall & will find means amply to make good such Deficiency and to Indemnify the said Managers against all Demands on that head as they have Personally Engaged for the Same.

And be it Enacted by the Authority aforesaid, That out of the first moneys to be Levied by any Act to be Passed hereafter, the Sum of Two Hundred & Seventy Pounds Shall be Granted for Replacing it to Such Fond or Fonds it shall be Borrowed from for the Purposes before mentioned.

#### [CHAPTER 789]

[Chapter 789 of Livingston & Smith and Van Schaack, where the title only is printed.]

AN ACT to allow a Premium to Such Privateers as shall during the Present WAR, take or destroy any Enemies Privateer between the Places therein Mentioned.

[Passed, May 14, 1745.]

WHEREAS during the War in which his Majesty is Engaged against the King of Spain & the French King, Several of their

Privateers have Infested our Coast, whereby the Navigation of this Colony hath been Obstructed and Endangered.

BE it therefore Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the authority of the Same That for an Encouragement to all Privateers, that shall take, Burn or Destroy, any Enemies Privateer on our Coast, between Cape Hinlopen, & the Eastermost part of Nassau Island, to the Northward of the Thirty Eighth degree of Lattitude there Shall be allowed & paid, a Bounty or Premium of Five pounds a head for every Man, that shall have been at the begining of the Engagement, on board of the Enemies Privateer Vessell which shall so happen to be taken or Destroyed as aforesaid, within the Limits above mentioned; Which Bountÿ shall be to & for the Benefit of the Owners, Officers & Company of the Privateer & Privateers, so taking or Destroying the Same and be Distributed amongst Them in Such Proportion as Shall be Stipulated by the Respective Articles Subsisting between Them.

BE it Enacted by the Authority aforesaid, That the Proof of Such Caption, or Destroying of Enemies Privateers, shall be in manner following, to wit, when such Privateer shall be brought into this Port, & condemned in the Court of Vize Admiralty here, by a Certificate of the Said Court, of the Particular Place where she was taken, and of the NUMBER of Men on board Her when the Engagement began, and of Such Privateer as shall be Destroyed, by Three of the Chief officers thereof, But if all the Crew shall have Perished, Then by the Chief Officers that Destroyed Her, or by such other Proof as the nature of the case wil Reasonably allow.

BE it Enacted by the Same Authority that a Proper Certificate of such Proof or Proofs as aforesaid shall be Directed to the Treasurer of this Colony, and that he shall thereupon Pay out of any Money then in the Treasury, Except of what Stands appropriated for the Annual Support of this Government, the said Premium & Premiums, to Such Agent or Agents, as the owners, officers & Company taking or Destroying Such Enemies Privateer or Privateers Shall appoint for Receiving the same; And his or their Receipts for it shall be a good Voucher to the said Treasurer for the Same.

AND be it Enacted by the Authority Aforesaid, That all the Sum & Sums of Money which the Treasurer, shall borrow of any Fond for Paying & Discharging the Premiums before Men-



tioned, shall be repayed by any Act or Acts that shall next thereafter be Passed for Levying of Money, in order that the Same shall be Replaced to the Fond or Fonds it may be Borrowed from,

[CHAPTER 790]

[Chapter 790 of Livingston & Smith and Van Schaack, where the title only is printed.]

AN ACT to Prevent the Runing away of  
Slaves out of the City and County of Albany  
to the French at Cannada.

[Passed, May 14, 1745.]

WHEREAS the City and County of Albany being the Frontier of the Colony, It is of great Importance during this time of War, that no Intelligence be Carried to the French at Cannada.

BE it therefore Enacted by his Excellency the Gouvernour the Council & the General Assembly, and it is hereby Enacted by the Authority of the same, That all & every Slave or Slaves belonging to any of the Inhabitants of the City & County of Albany, who shall from & after the first day of June in this Present year of our Lord, one Thousand Seven Hundred & Forty Five, be found going or Designing to go to Cannada, And be thereof convicted before Three or more of his Majesties Justices of the Peace for the said County, one whereof to be of the Quorum, who are hereby Authorized to hear & Determine the Same in Conjunction with Five of the Principle Freeholders of the said County (without a Grand Jury) Seven of whom agreeing, shall put their Judgment in Execution, according to this Act, or before any Court of Oyer & Terminer or general Goal delivery, He, she or they so convicted shall Suffer the Pains of Death, as in Cases of Felony without Benefit of Clergy in which Tryals the Evidence of one Slave, shall be good against another.

AND be it Enacted by the Authority Aforesaid, That all & Every Slave or Slaves who shall be found offending against this Act, shall be Immediately conveyed to the next Justice of the Peace for the said County and be by him Committed to Goal without Bail or mainprize until delivered by due Course of Law.

AND be it Enacted by the Authority aforesaid That the Charge of Prosecuting & Executing of any Slave or Slaves, by virtue of this Act, shall be deemed a County Charge, & shall be

Laid, Assessed, Levied, Collected & paid in the Same manner as the other necessary & Contingent Charges of the said County are, Provided the whole Charge shall not Exceed the Sum of Five Pounds on Conviction and Execution.

AND be it further Enacted by the Authority aforesaid, That the owner or owners of any such Slaves or Slave, as shall be Executed as aforesaid, shall be paid for the Same, in like manner as the Charge for Prosecution & Execution is by this Act directed, provided the Price Set on Such Slave does not Exceed the Sum of Thirty Five Pounds.

PROVIDED always & it is hereby further Enacted by the Authority aforesaid, That if any Master or Mistress of any Slave or Slaves be Inclined to have his, her or their Slave or Slaves Tryed by a Jury of Twelve Men, it shall be granted Such Master or Mistress, Paying the charge of the same, not Exceeding nine Shillings to the Jury, & in such Case there shall a Precept be Issued by the Justices to the next Constable to Summon a Jury of Twelve Men, who shall be sworn to Try according to Evidence, & the Justices shall Proceed to Tryall by the said Jury Summoned & Sworn as aforesaid (without a Grand Jury) To which Jurors no Peremptory Challenge shall be Allowed.

AND be it further Enacted by the Authority Aforesaid, that this Act & every Article & Clause therein contained, shall only be of Force during this Present War with the French & no Longer.

#### [CHAPTER 791]

[Chapter 791 of Livingston & Smith, where the act is printed in full. Chapter 791 of Van Schaack, where the title only is printed. See chapter 718. Revived by chapter 991.]

AN ACT to Revive an Act Intituled an Act to oblige all Persons that shall come to Inhabit or Reside in the City of New York, in order to Expose any Goods, Wares or Merchandizes to Sale at any time after the Annual Assessment made for the Tax for the Maintenance of the Minister & poor of the said City, to pay their Due Proportions toward the Same,

[Passed, May 14, 1745.]

WHEREAS an Act Intituled an Act to oblige all Persons that shall come to Inhabit or Reside in the City of New York, in



order to Expose, any Goods, Wares or Merchandizes to Sale at any time, after the Annual Assessment made, for the Tax for the Maintainance of the Minister & Poor of the said City, to pay their Due Proportions toward the Same, Passed in the Fifteenth year of his Present Majesties Reign, did Expire by its own Limitation on the Twenty fifth day of March last and the said Act having been found to have eased the Inhabitants of this City, and it being conceived Just & reasonable That all Persons having the Benefit of Trading should also Contribute their Proportion of the said Tax.

BE IT THEREFORE ENACTED by the Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above Mentioned Act Intituled an Act to oblige all Persons that shall come to Inhabit or Reside in the City of New York, in order to Expose any Goods, Wares or Merchandize to Sale at any time after the Annual Assessment made for the Tax for the Maintainance of the Minister and Poor of the said City, To pay their Due proportions toward the Same Shall be and hereby is Revived, and every Article and Clause THEREIN contained to be of Force from the Publication hereof to the Twenty fifth day of march which will be in the year of our Lord one Thousand Seven Hundred & Fifty five.

#### THE TWENTY-FOURTH ASSEMBLY.

##### *First Session.*

(Begun, June 25, 1745, 19 George II, George Clinton, Governor.)

#### [CHAPTER 792]

[Chapter 792 of Livingston & Smith and Van Schaack, where the title only is printed. Repealed by chapter 900.]

AN ACT for the Paying of Five Thousand Pounds Towards the Expedition carrying on against Cape Breton.

[Passed, July 6, 1745.]

WHEREAS the Government of the Massachusetts Bay have undertaken an Expedition against the French Settlements at Cape Breton, And as we are Truly Sensible how much the Success of that Expedition will be for the Interest of the British

Colony's in America, And being heartily willing to Assist our Neighbours in so Glorious an Undertaking, as far as the Circumstances of the Colony will admit

BE it Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That there be Paid by the Treasurer of this Colony, out of any Monies now in the Treasury, not appropriated to the Annual Support of the Government, The Sum of Five Thousand Pounds for & Towards the aforesaid Expedition.

AND WHEREAS Some of the Gentlemen and Merchants of this City, upon Application of this Government (the Late Assembly being then Dissolved) have Generously advanced the Sum of Two Thousand Two Hundred & Forty five Pounds to be Lay'd out in Provisions to be sent to Boston for the use of the Forces before Cape Breton, part of which Provisions are Already Sent & more already Purchased for that Purpose by Messrs: Joseph Robinson & Stephen Bayard. Be it therefore Enacted by the authority aforesaid that the Treasurer Pay out of the said Five Thousand Pounds given Towards the said EXPEDITION unto Messrs. Joseph Robinson and Stephen Bayard, The Sum of Two Thousand two Hundred & Forty Five Pounds, to be by Them repaid to the Several Persons who have so generously advanced their money for the purposes aforesaid, and their Receipts shall be a full discharge to the Treasurer for that Sum.

AND be it further Enacted by the Authority aforesaid that the Remaining Sum of Two Thousand Seven Hundred & Fifty five Pounds, shall be paid to Such Person or Persons as the Government of the Massachusetts Bay shall order, to Receive the Same, & his or their Receipts shall be a full Discharge to the Treasurer for that Sum, Which money Shall be Employed in such manner as the said Government shall think most Proper to attain the End for which it was given.

AND it is further Enacted by the Same Authority that the said Sum of Five Thousand Pounds shall be Repaid into the Treasury in Such manner as Shall be hereafter directed by Act or Acts of the Governour Council and General Assembly to be Passed for that Purpose.



## [CHAPTER 793]

[Chapter 793 of Livingston & Smith and Van Schaack, where the title only is printed.]

AN ACT for Erecting & Repairing Fortifications within this Colony for defraying the Charge of Several Services for the Defence and Security of the Same & other Purposes therein Mentioned.

[Passed, July 6, 1745.]

WHEREAS the monies which have been heretofore granted for Fortifying this Colony have Proved Insufficient fully to answer that Purpose and whereas Several other matters are absolutely necessary to be provided Prepared and Discharged for the Immediate use, Service and Security of this Colony,

BE it Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Treasurer of this Colony Shall be & hereby is Impowered & Required out of the Produce of any Publick Funds not appropriated to the Annual Support of the Government of this Colony, To pay the Several Sums of Money herein after mentioned in the following manner that is to Say,

TO John De Peyster and Philip Livingston Junr. for Repairs of the Fort at Albany the Sum of Thirty Three pounds Sixteen Shillings and Six pence.

TO Simon Vroman for making a Centry Box to be placed on the Top of the South West Block House & a Ladder at Schenectady Fort the Sum of one pound Ten Shillings

TO John Wemp for Repairs of Fort William the Sum of Four Pounds Fifteen Shillings.

AND to Cap. John Rutherford for money Advanced by him for that Purpose the Sum of Two pounds Sixteen Shillings.

TO Colo. Philip Schuyler Capt. Peter Winne & John Batist Van Renselaer the Sum of One Thousand four Hundred & Ninety Six Pounds Ten Shillings, to be by Them or Either of them paid unto the Fifty Men of the Militia of Albany officers Included, Sent Last FALL to Reinforce the Garrison at Oswego for their Pay for one year beginning the Fifteenth of September Last & to End the Fifteenth of September next at

the Rate of one Shilling & Six pence pr. Diem for each Private man who shall have Performed that Service, Five Shillings pr Diem for the first Lieutenant, Four Shillings pr. Diem for the Second Lieutenant, and two Shillings pr. Diem for each of the Two Serjeants.

To John Depeyster & Philip Livingston Junr. for Furnishing Provisions for the Detachment of the Militia at Oswego for one Year Ending the fifteenth of September next the Sum of Nine Hundred & Twelve Pounds.

To Henry Beekman of Albany for Furnishing Provisions for the Double Garrison of Regular Forces at Oswego from the Twenty third of June Last to the Twenty third of December next the Sum of Two Hundred & Twenty Eight Pounds.

To Colo. Philip Schuyler for Cannon Shot Sent by him to Oswego the Sum of one Pound Eighteen Shillings Six pence & Three farthings

To Derick Tenbrook for work done by him on the Fort at Saraghtoga the Sum of Six pounds and Eighteen Shillings.

To Lieutenant John Lindesay the Sum of one Hundred & Forty Pounds for Sundrys laid out & Disbursed by him when at Oswego, in full Discharge of an Accompt against this Government of one Hundred ninety three Pounds Thirteen Shillings & Six pence.

To Abraham Garrit Lansing the Sum of Twenty four Pounds one Shilling & Ten pence for Provisions, Men & Battoes and other Necessarys for Transporting Capt. Buttler to Oswego, in full Discharge of an Accompt brought against this Government of Thirty Nine Pounds Nineteen Shillings and four pence.

To Colonel Philip Schuyler for Purchasing Lead to make Partridge Shot for the Great Guns in the County of Albany the Sum of Five pounds.

To Captain John Waldron for making a close Room in the Red Store House on Copsy Battery & for Purchasing necessary Stores of War for the use of all the Batteries the Sum of One Hundred twenty Six Pounds Ten Shillings & two pence

To Samuel Brown for his Service in Cleansing the Guns on the Several Batteries in the City of New York the Sum of Ten Pounds

To Mr. William Smith for his Service in making a Draft of a Lottery Bill the Sum of Nine Pounds Thirteen Shillings & Three pence.



TO Capt. John Waldron for Providing Gins for the use of the Several Batteries the Sum of Twenty two pounds & Ten Shillings.

TO Capt. John Waldron for Purchasing Lead to make Part-ridge Shot for the Great Guns in the City of New York the Sum of Twenty five Pounds.

TO his Excellency the Governour for money Advanced by him for Presents to the Wapingo & High Land Indians the Sum of one Hundred & Nine Pounds five Shillings and two farthings

TO Moses Clement for his Attendance on the Joint Committees of the Council & General Assembly and Drawing Plans of Batteries the Sum of Five Pounds.

TO Christian Hoyer for his Attendance & Drawing Plans as aforesaid the Sum of Three Pounds.

TO Adam Vanderbergh for Carting the Great Guns and Carriages Sent to Boston the Sum of Eight Pounds Sixteen Shillings & two pence

TO Jasper Bosch for Freight of the Great Guns & Carriages from hence to Boston the Sum of Seventy Pounds, and Receipts from the Several Persons for the Respective Sums above Mentioned shall be good Vouchers for the said Treasurer,

TO John Rosvelt William Roome & Samuel Lawrence Commissioners of the Fortifications in the City of New York or to the Commissioners thereof for the Time being, the Sum of Two Thousand Eight Hundred Seventy Seven Pounds Ten Shillings, to be Employed by them to & for the following Uses & Purposes and to & for no other use or Purpose whatsoever, That is to Say, for and Towards compleating what has been directed by two former Acts of Assembly for the Fortifications & Buildings in the City of NEW YORK the one Intituled an Act for Repairing & Compleating the Fortifications of this Colony, for Defraying the Charge of the Several Services therein mentioned for the use & Security of the said Colony and for Building a New House proper for the Residence of Governours thereof for the Time being passed in the Seventeenth Year of his Majesties Reiga, The other Intituled an Act to Raise & Collect in this Colony the Sum of Three Thousand & two Hundred Pounds for Putting it in a Proper Posture of Defence, and for Discharging the Several Services which the present State of Affairs makes it Necessary to Provide for passed in the Eighteenth year of his Majesties Reign, the Sum of one Hundred Forty & Five Pounds.

FOR and Towards new Sodding Copsey Battery the Sum of Two Hundred and Thirty Pounds.

FOR and Towards Providing Procuring & Laying Large Stones round the outside of the said Battery to Secure the Foundation thereof the Sum of Ninety Pounds.

FOR and Towards Building a Store House between the Flat Rock Battery, and Fort George in the City of New York Twenty Eight Feet long and Twenty Feet wide to Secure and Preserve the Carriages and other Stores of War, the Sum of Fifty Nine Pounds and Ten Shillings.

FOR and Towards making Axle Trees for the Carriages the Sum of Fifteen Pounds.

FOR and Towards finishing the House Lately Erected in the Fort for the Residence of the Governours of this Colony, the Sum of one Thousand and Two Hundred Pounds.

FOR and Towards Erecting Finishing and Compleating a Battery of Eight Guns upon Dominies Hook with a Large Block House to Shelter the Men, the Sum of Three Hundred Pounds, Including one Hundred and twenty Pounds formerly allowed for this Purpose.

FOR and Towards Laying a Plat Form proper for Eight Guns on Capt Peter Rutgers Wharff upon Occasion the Sum of Fifty Pounds

FOR and Towards Laying a Plat Form Proper for Six Guns upon the City Ground behind Mr Benjamin Pecks House upon Occasion the Sum of Forty Pounds.

FOR and Towards Erecting Finishing and Compleating a Battery of Sixteen Guns upon Desbrosses & Lowes Wharfs according to a Plan Signed by his Excellency and the Speaker the Sum of Eight Hundred Pounds.

FOR and Towards making a New Fence round the Fort Garden the Sum of Sixty Pounds.

FOR Repairing the Spurr before the Gate of Fort George the Sum of Eight Pounds

And the Receipts of the said Commissioners for the Several Sums above Mentioned shall be good and Sufficient Vouchers to the said Treasurer.

AND of the Due disposition and application of the said Sums the said Commissioners are to keep Exact Books and to Render true & Distinct accompts thereof upon Oath to the Governour or Commander in Chief for the Time being, to the Council, or to the General Assembly when by them or any of them thereunto Required.



AND be it further Enacted by the Authority aforesaid, that the Commissioners before named, or the Commissioners for the Time being shall before They receive any Part of the Money's hereby directed to be paid unto Them, Enter into the following Recognizance to our Sovereign Lord the King, his Heirs and Successors, That is to Say, Each of Them before one of the Justices of the Supream Court in the Sum of Nine Hundred & Fifty Nine Pounds with two Sufficient Sureties Each in half that Sum Conditioned, That they shall & will well & truly each for his Part, Imploy & apply the Monies so to be received by them as aforesaid TO and for the Several & Respective Uses & Purposes directed by this Act, and well & Duely to Observe do and Perform all the Directions hereby required to be Observed, done & Performed by Them according to the True Intent & meaning thereof, which Several Recognizances are to be Delivered to the Treasurer by the Justice before whom the Same shall be so taken in order to be Lodged in the Treasury.

Be it Enacted by the Authority aforesaid, that if any of the before named Commissioners shall fail in Employing & applying the money so to be received by Them in manner & for the respective uses directed by this Act, or omit to observe do & Perform what is hereby required to be observed done & Performed by them, in Such Case or Cases the said Recognizance shall be Proceeded upon in due Form of Law against Such offender or offenders or his and their Surety's in any Court of Record in this Colony, wherein no Essoyn Protection Wager of Law or more than one Imparlance Shall be allowed, and the money to be recovered in consequence thereof, shall be paid into the Treasury of the said Colony, and applyed to & for the Several & Respective uses and Services herein before directed.

BE it Enacted by the Authority aforesaid, That if any of the before named Commissioners, Shall happen to Die or Remove out of this Colony, or Refuse to Act according to the Several & respective Powers and Authority's hereby Directed & Required, it shall and may be Lawfull to and for the Governour or Commander in Chief for the time being by and with the advice of his Majesty's Council to nominate and appoint Some other fit Person or Persons to be Commissioner or Commissioners in the Place & Stead of the Commissioner or Commissioners: so Dying Removeing or Refusing to Act as aforesaid, any thing herein contained to the Contrary notwithstanding. PROVIDED that the Person or Persons who may be so appointed shall be obliged

to Enter into the like Recognizances with the like Surety's as is herein before DIRECTED to be done by the Commissioners named by this Act, before He or They be Intituled to Receive any part of the Sum herein first mentioned to be received by the Commissioners, and in all other respects be as Subject to Observe & Perform the Several Directions of this Act as if He or they had been named & appointed in it.

AND to the End the Several Commissioners herein before named and appointed may be Encouraged to do & Perform the Several and Respective Services by this Act required to be done and Performed by them respectively. Be it Enacted by the Authority aforesaid That it shall & may be lawfull for them to retain for their own use out of the Money herein Directed to be Employed by Them, The Sum of Four pounds on Every Hundred Pounds they shall so Employ and in that Proportion for a greater or a Lesser Sum, as a Reward for their care & Trouble in the Several and respective Services hereby required to be done & Performed by Them.

BE IT ENACTED by the Authority aforesaid that for Answering Such Extraordinary Contingencies & Emergencies as may happen for the Service of the Colony, During the Space of one year, Warrants may Issue from time to time for the Same on the Treasurer if Drawn by the Governour with the Advice & Consent of the Council. Provided the whole Amount of Such Warrants during the said time do not Exceed the Sum of one Hundred Pounds, and that if no Part thereof or only part of it, Shall be required for Such Special Services Either the whole or the Residue Shall remain in the Treasury.

BE it Enacted by the Authority aforesaid that the Treasurer Shall keep Exact Books of the Several Payments which by this Act He is Directed to make, and to Render true Accompts thereof upon Oath to the Governour or Commander in Chief for the Time being to the Council or to the General Assembly when by Them or any of Them thereunto Required.

AND be it further Enacted by the Authority aforesaid That all the Monies Borrowed by this Act shall be Repaid into the Treasury in Such Manner and by such means as by Act or Acts hereafter to be Passed for that Purpose shall be ordered & Directed.

AND WHEREAS it is conceived necessary that a quantity of Gun Powder should be Lodged in the Magazine in Fort



George for Immediate use on Extraordinary Emergencies and that the Gunner for the time being, Should have a Quantity of Powder to Try & Exercise the Great Guns upon the Several Batteries, BE it Enacted by the Authority aforesaid, That the Store Keeper of the Powder House, shall deliver unto Such Person as the Cap't General or Governour in Chief for the Time being shall appoint, Ten Barrells of the Colony Powder, to be Deposited in the Magazine in Fort George for Immediate use on any Extraordinary Emergencies & that the said Store Keeper shall out of the Colony Powder, Deliver unto Capt John Waldron or to the Gunner for the Time being, so much of the said Colony Powder as may from time to time be Necessary to be made use of, in Trying and Exerciseing the Great Guns upon the Several Battery's, So that it Exceed not the Quantity of Six Hundred Pounds Weight, and the Receipts of the said Captain John Waldron or of the Gunner for the Time being, and of the Person whom the Captain General or Commander in Chief for the Time being shall appoint shall be unto the said Store Keeper a Good Voucher and Discharge for the Same.

AND be it Enacted by the Authority aforesaid That the Store Keeper of the Powder House Shall Deliver unto Colonel Philip Schuyler, or his Order, one Hundred Pounds Weight of the Colony Powder, in Lieu of the Like quantity Sent by him Last Fall to Oswego, with a Detachment of the Militia, and the Receipt of the said Colo Philip Schuyler Shall be to the said Store Keeper a Sufficient Voucher and Discharge

AND be it Enacted by the Authority aforesaid, That the Store Keeper of the Powder House, Shall Deliver unto Colo Abranam Gaesbeck Chambers Colo of the Regiment of Militia in Ulster County or his order, or to the Colonel of the said Regiment for the Time being or his order, one half Barrel of Gun Powder for the use of the Cannon in the said County upon Extraordinary Emergencies, and the Receipt of the said Colonel, Shall be to the said Store Keeper a good Voucher and Discharge for the Same.

[CHAPTER 794]

[Chapter 794 of Livingston & Smith, where the act is printed in full. Chapter 794 of Van Schaack, where the title only is printed. See chapter 664. Revived by chapter 1006.]

An Act to Continue an Act, Intituled an Act to prevent Damages by Swine in the County of Orange & Some Parts of Ulster County, and for Repealing all other Acts concerning the Same, within the said County of Orange.

[Passed, November 29, 1745.]

WHEREAS an Act, Intituled an Act to Prevent Damages by Swine in the County of Orange & Some Parts of Ulster County & for Repealing all other Acts concerning the Same within the said County of Orange, will Expire by its own Limitation the first Day of November in this Present year of our Lord one Thousand Seven Hundred and Forty Five, and the said Act having by Experience been found to be very Beneficial to the said Counties.

BE it therefore Enacted by the Governor Council and General Assembly, and it is hereby Enacted by the Authority of the Same, that the above Mentioned Act, Shall be & hereby is Continued until the first Day of November, which will be in the Year of our Lord One Thousand Seven Hundred & Fifty Five.

[CHAPTER 795.]

[Chapter 795 of Livingston & Smith and Van Schaack, where the act is printed in full. See chapter 686. Continued by chapter 888. Revived by chapter 1011.]

An Act to Amend an Act Intituled An Act for the better Clearing Regulating and further Laying out Publick high Ways in the County of Suffolk.

[Passed, November 29, 1745.]

WHEREAS in the Act Intituled an Act for the better clearing Regulating & further Laying out Publick High Ways in the County of Suffolk passed in the Sixth year of his present Majesties Reign, and by one other Act Intituled an Act to Continue an Act Intituled an Act for the better clearing Regu-



lating & further Laying out Publick High Ways in the County of Suffolk with Some Addition there to passed in the Thirteenth year of his said Majesties Reign continued until the first Day of December which will be in the year one Thousand Seven Hundred & Fifty, no Provision is made in case no goods & Chattels are to be found whereon to make Distress for the Forfeitures therein Mentioned.

BE it therefore Enacted by the Governour, Council & General Assembly, & by the Authority of the Same, That it Shall & may be Lawfull for the Person or Persons before whom any Such Forfeiture shall be recoverable Pursuant to the said Act or Acts in case no goods, or Chattels are to be found on which to Destrain for the same, to Commit the offender or offenders to Goal without Bail or Mainprize for the Space of Two months, unless the said Forfeiture be Sooner paid, this Act to be & remain of Force until the first Day of December, which will be in the year of our Lord one Thousand Seven Hundred & Fifty.

[CHAPTER 796]

[Chapter 796 of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act to Restrain Disorderly and Unlawfull gameing Houses in the Colony of New York

(Passed, November 29, 1745.]

WHEREAS gameing in the Colony of New York at Taverns and Other Publick Houses, for monies or Strong Liquor, hath by Fatal Experience been found to be attended with many evil Consequences, not only by Corrupting & Vitiating the manners of many of the People of the said Colony, Encouraging them to Idleness, Deceit & many other Immoralities but hath moreover a manifest Tendancy to the Ruin of many.

BE it therefore Enacted by the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That if any Tavern keeper, Inn keeper Ale House keeper Victualer or ordinary keeper within the said Colony, from and after the Twenty Fifth Day of December now next coming, Shall keep or have any common Billiard Table, Truck Table or Shuffel Board Table, and Shall thereat Permit, countenance or Suffer any Person or Persons whatsoever, to Play or Game Either by day or Night, contrary to the form & Effect

of this Act, Every Such Person so keeping and haveing Such common Billiard Table, Truck Table or Shuffel board Table, and shall Permit or Suffer the Playing thereon as aforesaid, shall for every Such offence Forfeit & Pay the Sum of Twenty Pounds Current money of this Colony, to be recovered by bill Plaint or Information in any Court of Record within this Colony, wherein no Essoyn, Protection Wager of Law, or more than one Impar lance shall be Allowed.

AND be it further Enacted by the Authority aforesaid, That If any Tavern keeper Inn Keeper ale house keeper, Victauler or ordinary keeper, or any other Person or Persons whatsoever; who do commonly use Selling of Wine, Ale, Beer, Brandy, Rum, or any other Sort of Strong Liquors, Shall after the said Twenty Fifth day of December, Permit Countenance or Suffer in their Houses or Apartments belonging THERETO, any Youths under the age of Twenty one Years, or any apprentice or apprentices, Journey Men, Servant or Servants, or Common Sailors whatsoever, to play or game at or with Cards or Dice, shall for every Such offence, Forfeit & Pay the Sum of Three pounds Current money of this Colony, to be recovered in manner as aforesaid.

AND be it further Enacted by the Same Authority, That no Youths under the age of Twenty one years, or any Apprentice, Journey Man, Servant or Common Sailor whatsoever, shall from the said Twenty Fifth day of December, Play at Cards or Dice, at or in any Tavern, Inn or Ale house, or where any Sort of wine, ale, Beer, Brandy, Rum Cyder, Flip, Punch, or any other Sort of Strong Liquors are usually Sold, under the Forfeiture of Six Shillings for every offence; to be Recovered before any Justice of the Peace where the offence shall be Committed, by Distress & Sale of the Goods and Chattels of the offender or offenders with reasonable Costs & Charges; and for want of Sufficient Distress, the offender or offenders, shall be committed to the Common Goal for the Space of Six days, unless the fine or fines forfeiture or forfeitures be Sooner Paid with Costs.

AND be it further Enacted by the Authority aforesaid, That all & every the Penalties & forfeitures, Sum & Sums of money which Shall happen at any time or times hereafter to be Incurred & Forfeited by virtue of this Act, shall be Disposed of in manner following (that is to Say) One half thereof to the



Informer who shall Prosecute & Sue for the Same to Effect, and the other half to the use of the Poor of the City, Town, County or Precinct in which the offence shall be Committed

[CHAPTER 797]

[Chapter 797 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for Raising in the South part of Orange County a Sum not Exceeding one Hundred Pounds for Finishing & Completing the Court House & Goal in orange Town.

[Passed, November 29. 1745.]

WHEREAS the Justices of the Peace of Orange County or the greater Number of Them have by virtue of an Act of the Governour Council & the General Assembly, Passed in the Tenth year of his Majesties Reign, Intituled an Act to Enable the Justices of the Peace in orange County to Build a New Court House & Goal for the said County, and whereas the Justices of the Peace aforesaid or the greater Number of Them have out of the money Levied & Collected by virtue of the said Act, Already Built & Erected the Court House and Goal in the Town of orange, But for as much as the money so Raised, Levied & Collected as aforesaid, was not Sufficient to finish the Goal to Secure Prisoners unless some or all of the aforesaid Justices had Engaged their Personal Security & Credit for Payment of Such part as Proved deficient, And to the End the Said Justices may not Suffer by Engageing for so Publick and Necessary a Building, and that the same may be Finished and completed, as well for the conveniency of Courts of Justice as for Security of Prisoners.

BE it therefore Enacted by the Governour Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That to & for the Purposes herein after mentioned, the Justices of the Peace Living on the South Side of the Mountains in the said County or the major part of them, Shall be & hereby are Authorized and required, after the Publication of this Act, to Raise, Levy & Collect of & from, and upon all & Every the Freeholders, Inhabitants & Sojourners within that part of Orange County, which lyeth to the South of the aforesaid mountains, at Such time & times as to Them or the greater

Number of them shall Seem Convenient a Sum not Exceeding the Sum OF One Hundred Pounds by the Same Rules & Methods and under the Same Regulations and Restrictions as is Enacted ordered & Directed in & by the aforesaid Act of the General Assembly in as full & ample manner to all Intents Constructions & Purposes whatsoever as if those Clauses in the said Act had been Particularly & at Large Incerted in the body of this Act.

BE it further Enacted by the Authority aforesaid, That the money to be raised by virtue of this Act, Shall from time to time be paid by the Several and respective Collectors unto the Managers which were appointed by the Justices by virtue of the aforesaid Act, and the mony arising by virtue of this Act, Shall be Employed for materials & workmanship to & for the use & Purposes aforesaid, and to no other use whatsoever, According to Such Orders & Directions as they shall from time to time receive for that Purpose from the said Justices, or the greater part of them, they the said Managers, Rendering an Account of the Monies received by them when thereunto required by the aforesaid Justices or the greater Number of Them.

#### [CHAPTER 798]

[Chapter 798 of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 1, 1746.]

An Act to Let to Farm the Excise on Strong Liquors Retaild in this Colony from the first of November one Thousand Seven Hundred & Forty five, To the first day of November one Thousand Seven Hundred and Forty Six.

[Passed, November 29, 1745.]

WHEREAS by an Act of the General Assembly, Intituled an Act for Laying an Excise on all Strong Liquors Retaild in this Colony passed in the Twelfth year of the Reign of her late Majesty QUEEN ANN, there was given & granted to her said Majesty Her heirs & Successors a Duty of Excise on all Strong Liquors retaild in this Colony from the first Day of November one Thousand Seven Hundred & Fourteen To the first Day of November one Thousand Seven Hundred & Thirty four, For the Uses & Purposes in the said Act Particularly Mentioned, which said Duty of Excise hath by Several Subse-



quent Acts been further Continued from the said first Day of November One Thousand Seven Hundred & Thirty four To the first Day of November which will be in the year of our Lord one Thousand Seven Hundred & Fifty Seven.

AND WHEREAS Sundry Persons have by Themselves or by others in their behalfs Offered & Engaged to Pay for the said Duty of Excise in the City's & County's of this Colony, from the first Day of November in this Present year One Thousand Seven Hundred & Forty five, To the first Day of November, which will be in the Year of Our Lord one Thousand Seven Hundred & Forty Six, Such Rates as are conceived more Beneficial than to Let the Same to Farm in any other Manner.

BE IT THEREFORE Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, that the Persons herein after named, Shall be the Farmers of the said Duty of Excise, from & to the time last mentioned in the respective City's & Counties of this Colony, and to have and receive the benefits thereof, at the rates & for the Several Sums of mony following that is to Say.

Thomas Moone for the City & County of New York for the Sum of Six Hundred and Ninety Pounds

Jacob Ten Eyck & Abraham Dow for the City & County of Albany for the Sum of One Hundred & Thirty Pounds.

Barent Andriese for Kings County for the Sum of Forty Pounds.

Augustus Vallet for Queens County for the Sum of Eighty Pounds.

Henry Smith Junr. for Suffolk County for the Sum of Seventy one Pounds

Matthew Dubois Junr. & John Ten Brook for Dutchess County for the Sum of Twenty Three Pounds.

Abraham Hardenbergh Evert Bogardus and Terck Dewit Junr for Ulster County for the Sum of Thirty one Pounds.

Paul Mechaux for Richmond County for the Sum of Sixteen Pounds.

Samuel Gale and Cornelius Kooper for Orange County for the Sum of Twelve Pounds.

Phillip Pell, Jonathon Lawrence & Edward Stephenson for West Chester County for the Sum of Fifty three Pounds.

AND for the Effectual Securing the Several Payments before Mentioned, Be it Enacted by the Authority aforesaid, that the

Several Farmers before named, Shall be & hereby are Required and obliged on or before the first Day of December next Severally to Enter into the following Recognizances before any Judge of the Supreme Court or of the Inferiour Courts, to his Majesty his Heirs & Successors with Sufficient Sureties that is to Say, Thomas Moone in the Penal Sum of One Thousand Three Hundred & Eighty Pounds, Jacob Ten Eyck and Abraham Dow in the Penal Sum of Two Hundred & Sixty Pounds, Barent Andriese in the Penal Sum of Eighty Pounds Augustus Vallet in the Penal Sum of one Hundred & Sixty Pounds, Henry Smith Junr., in the Penal Sum of One Hundred & Forty two Pounds, Matthew Dubois Junr. & John Ten Brook in the Penal Sum of Forty Six Pounds, Abraham Hardenbergh, Evert BOGARDUS & Terck De Wit Junr. in the Penal Sum of Sixty two Pounds, Paul Mechaux in the Penal Sum of Thirty two pounds, Samuel Gale & Cornelius Kooper in the Penal Sum of Twenty four Pounds, Phillip Pell, Jonathon Lawrence & Edward Stephenson in the Penal Sum of one Hundred & Six Pounds.

CONDITIONED That Each of the said Farmers shall well & Truly pay to the Treasurer of this Colony the respective Sums they have Severally Farmed the said Duty of Excise at, in two Equal half yearly Payments, that is to Say, One half thereof on the first day of May next Ensuing and the other half thereof on or before the first Day of November which will be in the year of our Lord, one Thousand Seven Hundred & Forty Six, and the Judge or Judges before whom Such Recognizance or Recognizances are taken, are hereby Required to Transmit the Same with all convenient Expedition to the said Treasurer, with whom they are to remain until they shall be Discharged.

AND to the End the Several before named Farmers may have the full Benefit of the said Duty of Excise from & to the Time before mentioned Be it Enacted by the Authority aforesaid, That they & each of them, and Each & Every of their Executors Administrators or Assigns, shall be & hereby are Vested with all & Singular the Powers & Authority's for gathering Collecting & Recovering the said Duties & Forfeitures Imposed in the said Act, in the respective Places the said Excise is hereby Farmed to them, which in and by the Same are granted & allowed to Farmers of the said Excise in as



full ample & Effectual manner to all Intents constructions & Purposes whatsoever, as if the Several Clauses relating thereunto in the Act aforesaid, had been at Large Inserted and Enacted in the body of this Act.

AND WHEREAS Several People & more Particularly in the City of New York have frequently presumed to Retail Strong Liquors in their Houses without being duly Lycensed for that Purpose, And whereas Such Persons as aforesaid, as Likewise Several Others who were duly Lycensed to Retail not only Sold Strong Liquors to Slaves, but often Entertained great Numbers of them, at their Houses, or Suffered them to be Entertained there which Tempted and Encouraged the said Slaves, to Rob their Masters & others for Supporting the Expence of Such vile Practices and at the Same time contributed very much to Form the late wicked conspiracy for Burning the Houses & murdering the Inhabitants of the said City, for Remedy of which dangerous Evils BE it Enacted by the Authority aforesaid that no Person or Persons whatsoever, shall be allowed or Permitted to retail any manner of Strong Liquors in their Houses or Elsewhere at any time during the Continuance of this Act, until He, she or they have first Entered into Recognizance, That is to Say, in the Cities of New York & Albany before the respective Mayors thereof and in the Several Counties of this Colony before two Justices of the Peace, in the Penal Sum of Twenty Pounds with Sufficient Surity in the like Sum, Conditioned to keep an orderly House According to law, during the time they shall be so Lycensed to Retail as aforesaid, and thereupon the Respective Mayors or the said Justices shall grant to the Person or Persons who have Entered into Such Recognizances, a Lycence under his or their hands & Seals to Retail Strong Liquors in Such House or Place to be Mentioned therein at any time or times During the Continuance of this Act, which Recognizances are to be Lodged by the Person or Persons before whom the same are taken, vizt. in the City's of New York & Albany, with the Town Clerks and in the Counties with the respective Clerks thereof, And upon complaint made of the Breach of the said Condition, It shall be Lawfull for the said Mayors and Aldermen of New York & Albany or the greater number of Them, and in the Counties for the Justices at the General or Special Sessions of the Peace to Suppress the Lycence or Lycences of Such offender or offenders.

ed on, by Bond or Otherwise at the Discretion of the said  
ner or Farmers, who are thereupon to give a Permit in  
ing unto Such Person or Persons to retail Strong Liquors  
E it Enacted by the Same Authority, that if any Person  
ersons Shall retail Strong Liquors in this Colony, before  
he or they have Entered into Recognizance & Obtained  
cence & Permit, or paid the Duty in manner as aforesaid,  
he or they so Offending, shall not only be Subject & Lyable  
he Penalties & Forfeitures contained in the before men-  
d Act, but moreover Forfeit the Sum of Five Pounds to  
ecovered in a Sumary way, in the City's of New York &  
ny, before the Mayor or Recorder and one or more Alder-  
of the said City's respectively, and in the Counties, by  
two Justices of the Peace, one whereof to be of the Quorum,  
if upon Conviction the said Forfeiture be not paid, the  
is to be Levyed on the goods & Chattels of the Offender  
offenders by Warrant under the hands & Seals of the  
ons before whom Such Conviction shall happen, and if no  
s or Chattels are found on which to Distrain, It shall be  
full for the Persons who heard & Determined the Cause,  
ommit the offender or Offenders to Goal, without Bail or  
prize for the Space of Three months, unless the said Pen-  
s are Sooner Discharged, and the said respective Magis-  
s shall be & hereby are fully Impowered, Directed &  
ired to hear & Determine these matters in manner afore-  
& to give Judgement and if need be, to award Execution  
on & to Issue a Warrant or Warrants for Commitment  
enders as the case may require.

ND that the Expence of being quallify'd to retail may be  
in the bounds of moderation. BE it Enacted by the Author-



as in the Counties not being Tavern Keepers, Dispose of Strong Liquors from their Cellars or Stores under the Quantity of Five gallons carried from thence to other Places. BE it Provided and Enacted by the Same Authority, that Such Persons shall not be obliged to Enter into Recognizance and take Lycence in manner as aforesaid, any thing contained in this or the aforesaid Act to the Contrary notwithstanding, but that They & each of them shall Never theless be and hereby are required and obliged to agree for the Excise with the respective Farmers thereof, and to obtain his or their Permit for so doing, before Such Person or Persons shall retail Strong Liquors without Doors under the said quantity of Five Gallons and in Default hereof, Every Offender & Offenders Shall be Subject and Lyable to the Penalties and Forfeitures which in Such Cases are Directed & Mentioned in and by the Act Aforesaid.

AND be it Enacted by the Same Authority, That of all the Penalties which may arise upon the Breach of the Recognizances hereby Directed to be Entered into, one half shall be to the Informer or Informers that shall Sue for and Prosecute the Same to Effect and the other half shall be paid to the Treasurer and Employed by him to Sink and Cancell Bills of Credit Struck and Issued upon the Duty of Excise, and that all other Forfeitures which may arise by virtue of this Act, shall be to the Sole use & benefit of the Farmers respectively

AND be it further Enacted by the Authority aforesaid, That all the monies to be paid to the Treasurer by the Several before named Farmers Shall be Employed for & Towards cancelling Bills of Credit Struck & Issued upon the said Duty of Excise, at the time and in the manner Directed in & by AN ACT Intituled an Act further to Continue the Duty of Excise and the Currency of the bills of Credit Emittted thereon & to Strike some new bills for Exchanging Such old ones as are or may be unfit to Circulate, Passed in the Thirteenth year of his present Majesties reign and to & for no other use end or Purpose whatsoever.

## [CHAPTER 799]

[Chapter 799 of Livingston & Smith and Van Schaack, where the act is printed in full. See chapter 198.]

An Act to Amend the Practice of the Law and to Regulate the giving of Special Bail.

[Passed, November 29, 1745.]

WHEREAS divers Laws have been passed in this Colony for the amendment & better Regulation of the Law, & for the Ease and quiet of his Majesty's Subjects which nevertheless have not had that good Effect, which was Intended by the makers thereof.

THE General Assembly therefore Humbly pray it may be Enacted by his Excellency the Governour, the Council & the General Assembly and it is hereby Enacted by the authority of the Same, That from & after the Publication of this Act, no Person whatsoever, by him or her Self, or by his or her Council or Attorney, Shall commence any Suit or Action by Bill or Plaint, or in any other manner whatsoever upon Bond, Obligation, or penal Bil, or on any other matter or thing whatsoever, or shall pursue or Prosecute any Such Bil, Plaint, Action or Suit, where the Sum mentioned in the Condition of Such Specialties with the Interest thereof or the matter or thing in Demand, Suit or Controverse do not Exceed the Sum of Twenty Pounds current mony of this Colony in any Courts of Law within the said Colony Except the Courts of the Mayors & Aldermen in the Cities of New York & Albany the Burrough of West Chester & the Court of Common Pleas of the Several Counties in this Colony, and when any Such Suit or Action is Commenced in any Such Court, as is aforesaid, That is shall not be Lawfull for any Person or Persons whatsoever, Either by him Her or Themselves, or by his Her or their Council or Attorney, or by any other ways or means whatsoever, to remove Such Suit or Action so commenced in any of the aforesaid Courts, To the Supreme Court.

And be it further Enacted by the Authority aforesaid that all & every the Attorneys of the Supreme Court may Commence & prosecute any Action or Suit, for his or their Clients in any inferior Court within this Colony any Law usage or Custom to the contrary notwithstanding.



AND be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Either by him, Her or Themselves, or by His, her or their Council or Attorney, Shall commence any Such Suit Cause or ACTION as aforesaid, in any other Court of Law than the Inferior Courts before mentioned, or shall sue forth any writ of Habeas Corpus or any other Writ or Writs whatsoever or any Instrument Authority or Command under any Denomination whatsoever (Except writs of Error after Judgment given in the Inferior Courts) whereby to call any Such Cause, Suit, Action or Plea thereon had, to the Supreme Court aforesaid, Such Person or Persons, his, her, or their Council or Attorney so commencing any such Suit, Cause, or Action in any Court of Law, but the Inferior Courts aforesaid, or so suing forth such writ of Habeas Corpus, or any other writ or writs whatsoever, or any other Instrument, authority or Command under whatsoever Denomination the Same may be and Proceeding thereon by Produceing the Same to any Inferior Court or Courts aforesaid by him, her or themselves or by his, Her, or their Council or Attorney (Except as is before Excepted) Shall for Every Such offence done contrary to the true Intent & meaning of this Act Forfeit the Sum of Twenty Pounds to our Sovereign Lord the KING, his Heirs & Successors, one half whereof to the Support of the Government in this Colony & the other half to any Person who shall sue for the Same in any of the Inferior Court or Courts aforesaid by Bill Plaint or Information wherein no Essoyn Protection or wager of Law, nor any more than one Impar lance shall be Allowed.

AND be it further Enacted by the Authority aforesaid that the Penalty or Penalties Forfeiture or Forfeitures by this Act laid directed & Enjoyned, shall not be sued for or Recovered in any other Court than the Inferior Courts aforesaid, and if any Person or Persons whatsoever, Either by him her or Themselves by his, her or their Council or Attorney, shall sue forth any writ of Habeas Corpus, Writ of Error or any other writ or writs whatsoever or any other Instrument authority or Command under whatsoever Denomination the same may be & Proceeding thereon & Produceing the Same in any of the said Inferior Courts in order to Remove to the Supreme Court aforesaid any Action Cause writ brought by Bill Plaint or Information in any of the Said Inferior Court or Courts, for

recovery of the Penalty or Penalties forfeiture or forfeitures by this Act Laid, Directed & Enjoyed Such Person or Persons or his HER or their Council or Attorney Produceing Such Writ of Habeas Corpus, writ of Error, or other writ or writs, or any other Instrument, Authority or Command of the Purpose & Import before Expressed, and to the End & Intent before mentioned, Shall be Committed to the Common Goal of the City, County or Burrough for which Such Court is held by the Justices or Judges of the Court then Setting, where Such writ of Error, Habeas Corpus or other Command, Instrument or Authority Issuing from or Returnable to the Supreme Court aforesaid, Shall be Produced, there to Remain for the Space of Six months without Bail or Mainprize & Such Commitment to be made a Rule of the said Court.

PROVIDED Nevertheless that this Act shall not Extend to any Action where Titles of Land or Tenements are in Question although the Value in Dispute be Less than Twenty Pounds.

PROVIDED also that all Actions where any Person shall Sue as well for the Kings Majesty, as for himself, and all other Actions to be Commenced in his Majesties Name & behalf may be Commenced, Pursued and Determined in any Court of this Colony, where by Law the same heretofore have been Commenced Pursued & Determined, Except only Such Actions & Suits, as may or shall hereafter be brought or Commenced for the Penalty & Penalties, Forfeiture or Forfeitures in this Act Laid, Directed & Enjoyed which shall not be brought, Commenced Sued for or Determined in any other Courts than the Inferior Courts before Mentioned

AND to the End his Majesties good Subjects may not be Destitute of Proper means to Recover their just dues & Demands, BE it Enacted by the Authority aforesaid, That all suits or Actions which shall hereafter be brought or Commenced in any of the Inferior Courts before mentioned not Exceeding the Sum of Twenty Pounds as aforesaid (Except as before Excepted) Shall be heard, tryed & Determined therein; Ath'ough the Real Cause of Action did not arise in the City County or Burrough where Such Suit or Action shall be brought or Commenced, & that the said Court or Courts shall not admit or allow of any Foreign Plea to QUASH bar or Stop Such Suit or Actions, But proceed to hear try & Determine them in the same manner as if the Cause of Action had arisen within



the Jurisdiction of the Court or Courts where such Suits or Actions shall be so brought or Commenced as aforesaid any Law usage or Custom to the Contrary Notwithstanding.

AND whereas his Majesties Subjects who live remote from the City of New York are put to grievous trouble & Intolerable Charges & Expence being as the Law is now construed to stand obliged or Compelled to come with their Cognizors to the said City, from their very distant Habitations, whenever they are obliged to put in Special Bail in the Supreme Court of this Colony, or Bail to the writ of Habeas Corpus graciously intended for the Safety Ease & quiet of his Majesties Leige People, the General Assembly therefore further Pray it may be Enacted and be it Enacted by his Excellency the Governour, the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same That Immediately from & after the Publication of this Act, the Several Judges of the Inferior Courts of Common Pleas within the respective Cities & Counties of this Colony Shall be & hereby are fully Authorized & Impowered in each of the said Cities & Counties where such Judges are or shall be commissioned, (the City & County of New York only Excepted) to take & receive Every Such Recognizance or Recognizances of Bail or Bails as any Person or Persons is are or shall be desirous to make before him, in any Action or Suit Depending, or hereafter to be Depending in the aforesaid Supreme Court, and in Such manner & form, & by such Recognizance or Bail piece as the respective Justices of the said Supreme Court usually take the Same, which said Recognizance or Recognizances or Bail or Bail pieces so taken as aforesaid shall be forthwith Transmitted by the Defendant in any Such Action, or Suit as aforesaid to any one of the Justices of the Supreme Court, and the said Justice to whom such Recognizance or Bail Piece shall be so Transmitted shall Accept & receive the Same and the said Recognizance of Bail or Bail Pieces so taken & Transmitted as aforesaid, shall be of the like Effect when taken absolutely or de bene esse as if THE same were or had been taken before any Justice or Justices of the said Supreme Court & the Cognizor or Cognizors of Such Bail or Bails shall not be compelled to appear in Person before such Justice or Justices, Either before or at the said Supreme Court, and the said Justices of the Inferior Courts of Common Pleas shall Examine the Sureties to Such Recognizances of Bail or Bail pieces as aforesaid when & so

often as they shall be thereunto Requested, by any Person or Persons Concerned Interested in or affected by such Bail Recognizance or Surety thereon, Concerning the Value of Such Sureties Estate & Personal Circumstances.

PROVIDED Nevertheless, that all Plaintiffs and their Council or Attorneys, shall have the Same time allowed for the Excepting against the Sureties to be given in the manner aforesaid, as was usually allowed for that Purpose before this Act any thing therein to the Contrary notwithstanding

AND be it further Enacted by the Authority Aforesaid that the Justice or Justices of the Supreme Court shall with every Recognizance of Bail or Bail Pieces so to him Transmitted, receive the one half of Such fees as he or they usually did Receive before this Act, and upon receipt thereof shall file such Recognizance of Bail or Bail Piece & in all things proceed thereon as if the said Recognizance or Bail Piece had been taken by him or Themselves, and the Judges of the Inferior Courts of Common Pleas takeing such Recognizance of Bail or Bail Piece shall receive the one half Part of so much as was by the Justice or Justices aforesaid Usually taken before this Act as a Reward for the trouble of the said Judge or Judges therein

AND in case it should hereafter be thought Expedient to Establish one or more other Courts of Law within this Colony, Superior to the Inferior Courts aforesaid, BE it Enacted by the Authority aforesaid that whenever such Court or Courts, under whatever Title or Denomination the same shall or may be so Established, as aforesaid, that then Such Court or Courts, Every Article, Clause, Matter & thing in this Act contained, Touching the Commencing or Removal OF actions or Giveing Special Bail shall be of the Like Effect, Force, Import or Validity as the Same are hereby Enacted, to have in the said Supreme Court in as full & Effective a manner to all Intents, Constructions and Purposes whatsoever; as if such Court or Courts, as aforesaid were now Established & had been Particularly named & mentioned in the body of this Act.



## [CHAPTER 800]

[Chapter 800 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 724. Continued by chapter 880.]

An Act to Continue an Act, Intituled an  
Act to Encourage the Destroying of Wild Cats  
in the County of Suffolk.

[Passed, November 29, 1745.]

BE it Enacted by the Governour, Council & General Assembly and by the Authority of the Same, That the Act, Intituled an Act to Encourage the Destroying of wild Cats in the County of Suffolk passed in the Fifteenth year of his present Majesties Reign Shall remain, Continue & be of Force until the first Day of December in the year of our Lord One Thousand Seven Hundred and Fifty.

## [CHAPTER 801]

[Chapter 801 of Livingston & Smith, where the act is printed in full. Chapter 801 of Van Schaack, where the entire act, except the first section is printed. Modified by chapter 905. Revived by chapter 1012.]

An Act for the better clearing regulating  
& further Laying out Publick high Roads in  
the County of WESTCHESTER.

[Passed, November 29, 1745.]

WHEREAS nothing will contribute so much to the Ease & advantage of the inhabitants as the well Regulating & Laying out Publick high Roads in the Several Counties of this Colony.

Be it therefore Enacted by his Excellency the Governour the Council & the General Assembly, & it is hereby Enacted by the Authority of the Same, that from & after the Publication & during the Continuance of this Act the Persons herein after named shall be & hereby are appointed Commissioners to Regulate the high ways, & to lay out such other Publick Roads as may still be necessary within the said County of Westchester, & they & Each of them are hereby fully Authorized & Impowered to put in Execution the Several Services Intended by this Act in Such Towns, Mannors & Places only for which they shall be respectively named & appointed, That is to Say.

FOR the Township of Westchester & mannor of Fordham,  
William Legatt Edward Stephenson & Josuah Hunt,

For East Chester, John Ward John Fowler & William Pinkney

For New Rochell & Pelham Anthony Lespinard Philip Pell & Oliver Besley Junr.

For the Township of Rye & white Plains William Willett Samuel Tredwell and Jonathan Purdy.

For Bedford John Holmes, Abraham Miller & Marcus Moesman

For North Castle George Dennis, James Weeks & Daniel Seaman

For Salem Josiah Gilbert, Peter Benedict & James Brown Junr.

For the Mannor of Cortland Philip Van Cortland, Philip Verplank and Hercules Lent Esqrs.

For the Mannor of Philipsburg Adolph Philipse Esqr. Frederick Philipse Esq. Frederick Van Cortland Esqr. and William Stephenson

AND be it Enacted by the Authority aforesaid, that the Commissioners or the Major part of them, in the respective Places for which they are named & appointed Commissioners, are hereby Authorized & Impowered to regulate the Roads already laid out, & lay out such other Publick Roads, in the Several Places, for which they are appointed Commissioners, as to them or the Major part of them, shall seem necessary and Convenient AND if need be to take a Review of the Roads already laid out, & Such of them as appear to be really inconvenient, the said Commissioners shall & may alter the same (Provided all the Commissioners appointed for the Place Judge it absolutely necessary) & to lay out Such other Publick ways & Roads as they or the major part of them shall think most convenient, as well for Travellers as for the Inhabitants of the next adjacent Towns, Villages or Neighbourhoods.

PROVIDED That nothing in this Act contained shall Extend or be construed to Impower the Commissioners aforesaid, to Alter any Road that is already Commodious or to Lay the same through Inclosed or Improved Lands without Either the Consent of the owners thereof or paying to them the True value of the Lands so laid into an high way, & if any Dispute shall arise by that means, the same shall be Determined & the True Value set & appraised by Two Justices of the Peace & by the Oaths of Twelve of the Principal Freeholders of the Neighbourhood, not having any Interest in the Land about



which such Dispute may arise, the said Freeholders to be Summoned by the High Sheriff, by virtue of a warrant to be Issued by the said two Justices for that Purpose.

AND be it further Enacted by the said Authority that if any Person or Persons within the said County, do or hereafter shall without the consent of the Commissioners or the Major part of them, for the Town Mannor or Place for which they are by this Act Appointed Commissioners, Alter, Stop up, or Lessen any high way or Road that has heretofore been laid out by Former commissioners, or any Road that has been used above Thirty years, though not Laid out by the Commissioners, or any Road that shall hereafter be laid out by the Commissioners named in this Act, Such Person so offending Contrary to the meaning of this Act, shall for Every such offence Forfeit the Sum of Five Pounds to be recovered before any Justice of the Peace upon the oath of any one Witness, & Levied by Warrant from any Justice of the Peace Directed to the Constable of the Town, Mannor, or Precinct where such offence is Committed, by Distraining the Goods & Chattels of the offender, & the said Constable after Six Days Publick notice is given by him of the said Distress, shall make Sale thereof, and out of the Produce pay the said Forfeiture & Charges, and return the overplus (if any there be) to the owner or owners, which said Forfeiture of Five pounds shall be applyed by the Surveyors of the High ways for & Towards repairing the Publick Roads or Bridges, within the Precinct where such Forfeiture shall arise.

AND be it further Enacted by the Authority aforesaid, that if ANY Common Publick Road or High Way shall be Laid through any meadow ground or Corn fields, the Breadth of the said Roads shall be Left to the Discretion of the Commissioners or the Major part of them for the Towns, Mannors or Places where such Roads shall run as aforesaid.

AND be it further Enacted by the said Authority that the Inhabitants of the respective Towns, Mannors or Precincts, by & through which any Common Publick high Ways or Roads have or shall run or be hereafter ascertained or laid out shall be & hereby are Obligated to Clear & maintain the same by Cutting & Stubbing up the Brush, & Lopping off the Limbs of the Trees that hang over the said Roads the breadth of two Rods, and pulling up the Stones that can be moved & to carry them out of the Road at least the breadth of one Rod,

& so often as they or any of them shall have notice from any one of the respective Commissioners or overseers of the high ways for the time being, they shall in their Turns Either by Themselves or by able Slaves or Servants, Clear, Level & amend the high ways not Exceeding Six Days in the year, under the Penalty of Three Shillings for each Day every Person or Persons shall neglect or Refuse such Service, to be Levied by the Constable in Each Town, Mannor or Precinct by Distress & Sale of the Offenders goods & Chattels by Warrant from the overseer of the high ways for the time being, in Each respective Town, Mannor or Precinct where such offence shall be Committed returning the Overplus of Such Sale (if any be) to the owner or owners, the Constable being first paid for his pains or Trouble, out of the Distress & Sale as is usual in other Cases. Provided always & it is hereby Enacted by the Authority aforesaid, that all Trees, Lying or Standing in any Persons Land through which any Common Publick high way or Road is or shall be Laid out, be for the Proper use of the owner or owners of the Same. But the said owners shall not hinder the Publick from makeing use of so much Timber which is Standing or Lying on that Road as will amend the said high Way or Bridges Leading through that Land.

AND be it also Enacted by the Same authority, that where any high way from any Town or Neighbourhood, to any Mills, Meadows, Watering or Common Landing Places, shall run through any Particular Persons ground, it shall & may be Lawfull for any Such Person or Persons by & with the approbation of any two Commissioners for Such Town Mannor or Place, to hang good Swinging Gates on Such High Ways & keep them in Repair at their own Costs. PROVIDED no Road Leading into or out of any woods Plains or Commons where the Cattle belonging to any Town or Village usually PASS through to or from the Common or feeding Grounds be Cloged or hindered by any Swinging gates, as aforesaid unless by the Consent of the Major part of the Inhabitants of such Town or Village & the Several Gates already Standing & allowed, may or shall be approved & Continued or Altered, as the Commissioners herein Respectively appointed shall Judge most Convenient & the same high ways shall be amended & maintained by the Inhabitants only of Every Town, Mannor or Precinct where such Ways may Run.

AND be it further Enacted by the same Authority that in



case any Person or Persons, shall stake or Shore open any such Gate or Gates as aforesaid or otherwise ride over or through any Land, Meadow ground or Corn fields to the Damage of the owners thereof, Such Person or Persons shall for every Such offence Forfeit the Sum of Six Shillings, to be recovered and applied by the overseers of the high ways in Each respective Town, mannor or Precinct where such offence shall be Committed, towards repairing the Publick high ways or Roads & Pay all Such Damages with the Costs the owner of the Soil or Tenant shall Suffer or Sustain thereby, as shall be ordered & awarded by a Justice of the Peace residing near the Place where such offence shall be Committed & the Determination of Such Justice shall be final & Conclusive therein.

AND be it Enacted by the Authority aforesaid that if the overseers of the high ways and Roads shall think fit & have occasion for any Team, Cart or Waggon & a man to manage the Same, The said Team, Cart or Waggon, shall be Esteemed to be for & in Lieu & Instead of three days work of one Man & the fine to be Proportionable, that is, Treble to the fine to be Imposed for the neglect of one Person & Every working man shall be obliged to bring such Tools, as Spades, Crows, Axes, Pick axes or other Utensels as shall be Directed by the overseers of the High ways.

AND be it further Enacted by the said Authority, That if any of the Commissioners herein appointed, shall neglect, Refuse or Delay, to put the Several Clauses in Execution, which are mentioned & Expressed as their Duty in this Act, if thereunto required, or shall happen to Die or remove out of the Town, Mannor or Places for which he or they are appointed Commissioners, It shall & may then be Lawfull for the Justices of the Peace in the Sessions to be held for the said County to appoint in his or their Stead another Commissioner or Commissioners in such Place or Places where such Refusal, Neglect, Death or Removal shall so happen, which Commissioner or Commissioners, so appointed, Shall be under the Same Restrictions & have the Same Powers & Authorities as those named & appointed by this Act.

AND be it further Enacted by the 'Authority 'Aforesaid, that the Commissioners of Each Respective Town, Mannor, Place or Places for which they are respectively appointed, shall from time to time During the Continuance of this Act, Enter in writting all the high ways or Roads by Them laid out,

Altered or Stopped up, & Sign the same by Putting their names thereto, & cause the Same to be Entered in the County Records by the Clerk of the Peace who is hereby Directed & required to Record the Same, And whatsoever the said Commissioners shall do according to the Powers given them in this Act, being so Entered in the County Record, shall be Deemed Valid & good to all Intents and Purposes whatsoever.

AND be it further Enacted by the same Authority, that Each commissioner appointed or to be appointed by virtue of this Act, shall have take & receive, a Sum not Exceeding four Shillings Each day as a Reward for his or their care & Trouble, in Laying out & regulating the High ways in the respective Towns, Mannors & Places for which they are Severally appointed which said Reward or Wages, Shall not be any part of the County Charge, but shall be Defrayed by Each Town, Mannor, Place or Places as they are Joyned in this Act, by the same ways & in the same manner as the Wages are or ought to be paid to Supervizors in the said County by virtue of an Act, Intituled an Act to Increase the Number of Supervizors in the County of Westchester, and no Wages of Supervizors shall be any Part of the said County rate for the future, Passed in the Ninth Year of his Late Majesties reign.

AND be it further Enacted by the Authority aforesaid, that upon the Ordering of any one or more of the Justices of the Peace, or any one or more of the Commissioners within the Town, Mannor or Places, for which he or they are appointed as aforesaid the overseer of the Town, Mannor or Precinct, shall and do within Eight days thereafter, warn & Set at work the respective Inhabitants to mend & repair the Kings Roads & Bridges which by Law & Custom, they are obliged to repair, and if the overseer shall neglect or Refuse to warn & Set at work the Inhabitants as aforesaid & See the said Roads, Bridges and High Ways Amended & Repaired, Such Overseer or Overseers, shall for Every such Neglect or Refusal Forfeit or Pay a fine of Forty Shillings to be adjudged by & recovered before any one Justice of the Peace of the said County, upon the oath of any one Witness, or on the view of Such Justice, or on the view of any one of the Commissioners within his or their District in the Common & usual Method, which fine Shall be applyed TOWARDS Repairing the said high Ways or Roads in Such Town Mannor or Precinct wherein the Fine did arise.



PROVIDED always & it is hereby Enacted by the Authority aforesaid, that where the Inhabitants of a Small neighbourhood or Plantation Shall desire to have Publick Roads laid out, the Commissioners aforesaid, shall not be Allowed to Lay out such & so many Roads as the said Inhabitants may be desirous to have, but only one Publick way Leading from such Neighbourhood to the nearest Publick or high Roads, from whence they can Travel or Transport Goods to other Towns or Landing Places, and where it shall be necessary to Lay out a Road from one district (as they are in this Act Joyned) to another district the Commissioners of both Towns, Mannors or Places are to meet & consult where Such Road can be Laid in the best & Streightest manner, & to Lay out the Same Accordingly, to the End Such Roads may not only Correspond with Each other, but be Laid out & carryed on in the most Convenient & Shortest manner the nature of the Land will allow.

This Act to be of Force from the time of its Publication until the first Day of December which will be in the year one Thousand Seven Hundred and Fifty five.

[CHAPTER 802.]

[No law is printed under this chapter number, which is merely inserted to preserve the continuity of chapter numbering in conformity with Livingston & Smith and Van Schaack, from whose editions the chapter number is omitted.]

[CHAPTER 803.]

[Chapter 803 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 778. Continued by chapter 841.]

An Act further to Continue an Act Intituled an act for and Towards Supporting the Government of this Colony, by Granting to his Majesty the Duties therein Mentioned, from the first Day of December one Thousand Seven Hundred & Forty, to the first Day of December one Thousand Seven Hundred & Forty one with an Addition thereto.

[Passed, November 29. 1745.]

WHEREAS the Duties & Impositions Granted for the Support of his Majesties Government in this Colony, by the above mentioned Act, have by Several Subsequent Acts been continued to the first day of December next.

BE it Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, that the above mentioned Act, Intituled an Act, for & Towards Supporting the Government of this Colony, by Granting to his Majesty the Duties therein mentioned, from the first day of December one Thousand Seven Hundred & Forty, to the first day of December one Thousand Seven Hundred & Forty one, Shall be & hereby is Enacted to be further Continued, And Every Clause, Article, Matter & thing therein contained, to remain & be of full Force & virtue to all Intents Constructions & Purposes whatsoever, from the said first day of December next, Until the first day of December, which will be in the year of our Lord one Thousand Seven Hundred & Forty Six

BE it Provided & Enacted by the Authority aforesaid that all Persons Importing during the Continuance of the Act Aforesaid, any Rum, Brandy or other Distilled Liquors, as Likewise Shrub or other Mixed Liquors, whereof the greater part is Distilled Spirits in the District or County of Suffolk aforesaid, Shall Enter the Same with the officer of the District & County aforesaid before its being Landed, and at the same time Produce to him the original Invoice or Invoices thereof & make oath before him that Such Invoice is real & True, according to the best of his or her Knowledge, and in this Case the quantity of Gallons is to be Ascertained accordingly, and if the Casks are not filled up on board of the Vessell Importing the Same, or on Shore, the following Deduction is to be allowed out of the said Invoices, that is to Say, On Such Liquors from the West Indies FIVE per Cent, and from the Neighbouring Colonies Three per Cent, and the neat quantity of Gallons is to be Ascertained Accordingly, But if the Casks are filled up in manner aforesaid, Then the full Quantity is to Pay the Duty in the Act aforesaid mentioned, And if no Such Invoice is Produced and Sworn to as aforesaid, the Casks are to be Gauged at the Charge of the Importer by a fit Person to be appointed, and named by the said officer of the District aforesaid, And the neat quantity of Gallons is in this Case to be ascertained accordingly, any thing in this or the aforesaid Act to the contrary Notwithstanding.



## [CHAPTER 804.]

[Chapter 804 of Livingston & Smith and Van Schaack, where the act is printed in full. See chapter 133.]

An Act to alter the Place of the Supervisors meeting in the County of West Chester.

[Passed, November 29, 1745.]

WHEREAS by an Act Intituled an Act for the better Explaining & more Effectual putting in Execution an Act of General Assembly made in the Third year of the reign of there late Majesties, King William & Queen Mary, Intituled an Act for Defraying of the Publick & Necessary Charge Throughout this Province & Maintaining the Poor & Preventing Vagabonds. IT was Enacted among other things that the Supervisors Should meet at the County Town in Each respective County on the first Tuesday in October, And whereas it is found to be Inconvenient for many of the Supervisors in the County of West Chester to meet at the County Town as aforesaid & will be much for the Ease of the People that they should meet at the Town of Rye.

BE it therefore Enacted by the Governour the Council and the General Assembly & it is hereby Enacted by the Authority of the Same that the annual meeting of the Supervisors for the County of West Chester, shall hereafter be at the School House in the Town of Rye in the said County, & the Major part of the said Supervisors Shall have Power to adjourn to Such Time & Place as they Shall think Proper, any thing in the said Act to the Contrary hereof notwithstanding.

## [CHAPTER 805.]

[Chapter 805 of Livingston & Smith and Van Schaack, where the act is printed in full. Amended as to Queens county by chapter 1139. Repealed in part by chapter 1290.]

An Act for the better Clearing Regulating & further Laying out Publick Highways in Kings County, Queens County, Richmond County, and Orange County.

[Passed, November 29, 1745.]

WHEREAS nothing will contribute more to the Ease & advantage of the Inhabitants of this Colony, than the well

Regulating Laying out and keeping in proper Repair Publick high Ways in the Several Counties thereof.

BE it therefore Enacted by his Excellency the Governour the Council and General Assembly, and it is hereby Enacted by the Authority of the Same, That from and after the Publication of this Act, the Freeholders & Inhabitants of Each Respective Town Precinct & Devision within the Several Counties above Mentioned, Shall be & hereby are Authorized & Impowered at their Annual meeting for Electing of Town officers to choose & Elect at the Same time Three Freeholders, to Regulate & lay out high Ways, as also so many Persons to be Surveyors and Overseers of the high Ways as the Majority of the Freeholders & Inhabitants of Each Town, Precinct & Devision then Assembled in any of the Counties aforesaid shall Judge Necessary for the Overseeing mending, Repairing and keeping in Order the Several high Ways in the Respective Towns Precincts & Devisions for which they Shall be Elected & Chosen in manner aforesaid, & the Person or Persons so Chosen & Elected as well those who are to Regulate & Lay out high Ways, as those who are to be overseers & Surveyors thereof, are hereby required to take the Several Offices upon them

And be it Enacted by the Authority Aforesaid that the Commissioners or the major part of them in the respective Places for which they shall be Elected & Chosen Commissioners, are hereby Impowered & authorized to regulate the Roads already laid out, and Lay out such other Publick Roads in the Several Places for which They shall be Elected & chosen Commissioners as to them or the Major part of them Shall Seem necessary & Convenient and if need be to take a Review of the Roads already laid out, & Such of them as appear to be really Inconvient, the Commissioners Shall & may alter the Same, And to Lay out Such other Publick ways or Roads as they or the MAJOR Part of them shall think most Convenient, as well for Travellers as for the Inhabitants of Every respective Town, and the next Adjacent Towns Villages & neighbourhoods, Provided that nothing in this Act contained shall Extend or be construed to Impower the Commissioners aforesaid to Alter any Roads that are already Commodious, nor to Lay out any Roads through any Persons Lands without Either the Consent of the Owner or Owners thereof, or paying to him or them the true Value of the Land so laid out into an high Way or Road, and if any Dispute shall arise by that means the Same Shall be Determined,



and the true Value Set & appraised by two Justices of the Peace of the Said County, and by the oaths of Twelve of the Principle Freeholders of the Neighbourhood, not having any Interest in the Land about which Such Disputes may arise the said Freeholders to be Summoned by the high Sheriff of the said County, by virtue of a Warrant to be Issued by the said two Justices for that Purpose & the Person or Persons who shall desire a Road through any Persons Land, Shall Defray the whole Charges of the Value of the said Lands to be paid to the Person or Persons Injured & through whose Lands such Roads shall be laid, Together with the Wages of the Commissioners, the Charges for calling the Jury & of their verdict & of the whole Proceeding thereon had, and Such way or Road to be for the only proper use of Such Person or Persons or to his or their heirs & Assigns who paid for the Same.

AND be it further Enacted by the Authority aforesaid that if any Person or Persons within the said Counties, do or hereafter shall, Alter, Stop up, or Lessen any high way or Road that has been heretofore Laid out by former Commissioners according to Law, or shall hereafter be laid out by the Commissioners Elected & Chosen by Virtue of this Act, Such Person so offending contrary to the meaning of this Act, shall for Every Such offence Forfeit the Sum of Forty Shillings, to be Recovered before any Justice of the Peace upon the Oath of any one Witness, & Levied by Warrant from any Justice of the Peace, Directed to the Constable of the Town OR Place where Such Offence is Committed by Distraining the goods & Chattels of the offender and the said Constable after Six days Publick notice is given by him of the Selling the said Distress, Shall make sale thereof, and out of the Produce Pay the said Forfeiture & Charges & return the Overplus if any there be to the owner or owners which said Forfeiture of Forty Shillings Shall be applied by the Surveyors of the high ways for & towards Repairing the Publick Roads or high ways within the Town or Precinct where Such Forfeiture shall arise.

AND be it further Enacted by the Authority aforesaid, that if any Common Publick Road or high way shall be laid out through any Persons Land or Meadow it shall not be Less nor Exceed the Breadth of Twenty foot.

AND be it further Enacted by the Same authority that the Inhabitants of the Towns & Precincts by & through whose Lands any Common Publick Roads or high ways have or shall

run or be hereafter Ascertained or laid out are hereby obliged to Clear & maintain the Same, by Cutting & Stubbing the Brush up, Pulling up the Stones that can be carryed off the Breadth of a Rod, and the Limbs of the Trees hanging over the said Roads to be lopt & carryed off, and so often as they or any of them shall have notice from the Respective Surveyors or overseers of the high ways for the time being, Shall by Themselves or Servants, Clear, Level & Amend the high Ways not Exceeding Six Days in the year, under the Penalty of three Shillings for Each day Every Person shall neglect or refuse Such Service, to be Levied by the Constable in Each Town, Precinct or Devision by Distress & Sale of the offenders Goods & Chattels by warrant from any one of the Surveyors or overseers of the high ways for the time being returning the overplus of Such Sale to the owner or owners if any there be, the Constable to be first paid for his pains & Trouble out of the Distress as is common in other Cases, and the said Forfeiture of three Shillings Shall be Applied for Repairing the Publick Roads or high ways within the Town or Precinct where Such Forfeiture Shall arise.

AND be it further Enacted by the Authority aforesaid that all Trees that Stand in any Persons Land through which any Common Publick Road or high way is or shall be laid out, be for the Proper use of the owner or owners of the Same, but the said Owner shall not hinder the Publick of making use of So much Timber which is Standing or lying on that Road, as will amend & REPAIR the high ways or Roads running through that Land.

AND be it also Enacted by the same Authority, that where any high way from any Town or Plantation to any Meadows, Mills or Common Landing Places, shall run through any Particular mans ground, It shall & may be Lawfull for any Such Person or Persons by the approbation of the Commissioners of Such Town, Precinct or Division to place & hang good Easy Swinging Gates on Such high ways, and keep them in good Repair at their own Proper Costs, Provided no Roads Leading into or out of any Woods, Plains or Commons where the Cattle belonging to any Town or Village, usually Pass to & from the Commons or feeding ground, be Cloged or hindred by any Swinging Gates as aforesaid, but by the Consent of the Inhabitants of the said Town or Village, or the Major part of them, and the Several Gates already Standing & allowed may or Shall be Approved & Continued or Altered, as the Commissioners Shall Judge most Convenient and the Same high ways Shall be



amended & maintained by the Inhabitants of Every Town where Such ways may run.

AND be it further Enacted by the Same Authority that if the overseers of the Roads & high ways Shall think fit, & have occasion of any Team, Cart or Waggon, and a Man to manage the Same, the said Team, Cart or Waggon Shall be Esteemed to be for & in Lieu & Stead of Three Days work of a Single Man, and the fine to be, Proportionable that is Treble to the fine to be Imposed for the Neglect of a Single Person, and Every working man Shall be obliged to bring Such Materials as Spades, Axes, Crows, Pick Axes & other Utensils, as Shall be Directed by the Surveyors or Overseers of the high ways.

AND be it further Enacted by the said Authority that the Commissioners of Every Town, Precinct & Division for which they shall be Chosen & Elected Shall from time to time, Enter in writting, all the high ways or Roads by them Laid out, Altered, or Stopped up, and Sign the Same by Putting their Names thereto, And cause the Same to be Entered in their Town BOOKS or in the County Record, and the Several Clerks are hereby Directed and Required to Enter the Same, and whatsoever the said Commissioners Shall do According to the Powers given them in this Act, being so Entered in the Town Books, or in the County Records, shall be Valid & good to all Intents & Purposes whatsoever.

AND be it further Enacted by the Same Authority That Each Commissioner Shall have, take & receive a Sum not Exceeding Six Shillings Each for Every day as a Reward for his care & Trouble in Laying out or Regulating the high Ways or Roads in the respective Towns, Precincts & Divisions for which they Shall be Chosen & Elected, and he or they shall Transmit his or their Accounts to the Supervizors of the said Counties at their Annual meetings of the time he or they have Spent in Laying out and in Regulating high ways and Roads, in their Respective Towns Precincts and Divisions, and the Supervizors Shall add So much as they find the Commissioners have right to Claim, To the Quotas of that Town, Precinct or Division from whence Such account Shall be brought, and Shall Raise the Same with the County Tax, which shall be paid by the County Treasurer to the Commissioners, upon a Warrant from the Supervizors, as in other Cases, Except where the Commissioners are Paid for Laying out and Regulating Roads, Which any Particular Person or Persons have paid for, as before is Expressed.

It further Enacted by the Authority aforesaid, that ordering of any one Justice of the Peace, The Surveyors of the Several Towns, Precincts and Divisions within Eight days thereafter, Warn and Set to work the Inhabitants to mend and Repair the Kings high and other Roads which by Law and Custom they are to repair, and if any of the Surveyors or Overseers neglect or Refuse to warn and Set to work THE Inhabitants aforesaid, and See the said Roads and high ways mended and repaired, Such Surveyor or Surveyors Shall for such Neglect or Refusal Forfeit and Pay a Fine of Forty Shillings to be Adjudged by and Recovered before any one of his Justices of the Peace of the County, where Such Refusal Shall happen, upon the Oath of any one Justice on the view of Such Justice in the Common or usual way which fine shall be Applied towards repairing the said Roads in Such Town or Place wherein Such fine may arise.

## [CHAPTER 806.]

806 of Livingston & Smith and Van Schaack, where the title is altered. Expired September 1, 1746.]

An Act for the Payment of the Salaries of the Services and Contingencies therein mentioned until the first day of September one Thousand Seven Hundred & Forty Six.

[Passed, November 29, 1745.]

ENACTED by his Excellency the Governour the Council and General Assembly & it is hereby Enacted by the Authority of the Same, That the Treasurer of this Colony Shall by is Impowered & Required out of the Interest money to arise by virtue of an Act Intituled an Act for the raising of bills of Credit for the Payment of the Debts & for the support of the Government of this Colony, & other Purposes therein Mentioned, Passed in the Eleventh year of his Majesty, And out of the Moneys arisen or to arise by the Impositions granted by an Act Intituled an Act for supporting the Government of this Colony, by grant from His Majesty the Duties therein Mentioned from the first of January one Thousand Seven Hundred & Forty, To the first of December one Thousand Seven Hundred & Forty



one, Passed in the fourteenth year of his Majesties reign, 'And out of moneys Arisen or to arise by virtue of the Several Subsequent Acts for the Continuance of the Act last Aforesaid until the first Day of December which will be in the year of our Lord one Thousand Seven Hundred & Forty Six and out of the Moneys arisen or to arise by virtue of an Act Intituled an Act to restrain Hawkers & Peddlars within this Colony from Selling without Licence, To pay at the times & in the Manner herein after Directed the Several Salaries & Allowances following, vizt.

TO his Excellency the Governour for his Administring the Government of this Colony from the first day of September last, To the first day of September next, after the rate of Fifteen Hundred & Sixty Pounds pr. Annum.

To his said Excellency the Governour for one years House Rent from the first day of September last, To the first day of September next, after the rate of one Hundred pounds pr. Annum.

TO the said Governour or Commander in Chief for the time being after the Thirteenth of June next, the Sum of Four Hundred Pounds to Provide and Furnish the Fort & Garrison in New York with Fire wood & Candles, from the said Thirteenth day of June, Until the Thirteenth Day of June, which will be in THE year of our Lord One Thousand Seven Hundred & Forty Seven.

To Abraham DePeyster Treasurer for the money advanced by him to his Excellency for Presents to the Indians at the last Interview in October last at Albany the Sum of Six Hundred Pounds.

To John Batist Van Renselaer for Providing & Furnishing Fire wood & Candles to the Several Garrisons in the City & County of Albany from the first day of September Last, to the first day of September next the Sum of Two Hundred Pounds.

To the Commissioners of Indian affairs at Albany for their Disbursements & Expeuces to & concerning the Six Nations & other Indians & for Presents to Them as occasion may Require for the Publick Service of the Colony, & to Confirm them in the Brittish Interest, from the first of September Last to the first of September which will be in the year one Thousand Seven Hundred & Forty Six, the Sum of one Hundred & Seventy Pounds, & for Extraordinary Incidents at this Critical Juncture the further Sum of Eighty Pounds.

To Jacobus Bleeker for his Salary as Indian Interpreter & for all other Services, that he has been or may be Directed to do by

the Governour or Commissioners of Indian Affairs from the first day of September Last, to the first day of September which will be in the year one Thousand Seven Hundred & Forty Six, the Sum of Ninety Pounds, and after that Rate if by Death or otherwise he should not Perform that Service to the time last mentioned.

To the Reverend Henry Barkley for his care Diligence & Industry to Instruct the Indians in the Christian Religion & in reading & writting, & thereby Confirming them in the Brittish Interest, from the first day of September Last, to the first day of September one Thousand Seven Hundred & Forty Six the Sum of Twenty Pounds.

To Myndert Wemp & Company for their Services as Smiths in the Senecas Country from the first day of September One Thousand Seven Hundred & Forty four to the first day of September one Thousand Seven Hundred & Forty five, The Sum of one Hundred Pounds.

To Anthony Bleeker, John Abeel & Gerrardus Lansing for Residing in the Onondages Country as Smiths last Winter, the Sum of Thirty Six pounds

TO Stephen Van Renselaer for providing fire wood & Candles for all the Garrisons in the County of Albany from the Thirteenth of June Last, to the first of September then next following being two Months & Seventeen Days the Sum of Forty Three Pounds Three Shillings.

TO the said Stephen Van Renselaer for Providing Fire wood & Candles for the Garrison of Saraghtoga besides the Sum Allowed Last year, the Sum of Fifteen Pounds.

TO James Delancey Esqr. as Chief Justice of the Supreme Court of this Colony & for his going the Circuits in the Several Counties, thereof from the first day of September Last, To the first Day of September which will be in the year one Thousand Seven Hundred & Forty Six, The Sum of Three Hundred Pounds and after that rate if by Death or otherwise He should not hold that Post so long as the time Last mentioned.

TO Fredrick Philipse Esqr. as Second Justice of the said Supreme Court & for his going the Circuits from the first of September Last, To the first of September next, The Sum of one Hundred Pounds, and after that rate if by Death or otherwise He should not hold that Post so long as the time Last mentioned.

TO Daniel Horsmanden Esqr. as Third Justice of the said Supreme Court & for his going the Circuits, when there shall



happen to be occasion for it, from the first of September Last, To the first of September next, The Sum of Fifty pounds, and after that rate if by Death or otherwise He should not hold that Post so long as the time Last mentioned.

TO the Secretary of this Colony for the time being for Engrossing & Enrolling the Acts of the General Assembly, from the first of September Last, To the first of September next, The Sum of Thirty Pounds.

TO the Clerk of the Council for the Time being for his Services & Attendance on the Council During the Setting of the General Assembly, and for all Publick Services Performed or to be performed by him in that Station from the first of September Last, To the first of September next the Sum of Thirty Pounds.

TO the Door Keeper of the Council for the time being for his Service in that Station, from the first of September Last, To the first of September Next the Sum of Twenty Pounds.

TO James Parker as Publick Printer, for Printing the votes, Proceedings & Acts of the General Assembly, and Delivering a Compleat Sett thereof to the Governour & Each of the Members of the Council & General Assembly as Likewise a Sett of Acts to Each of the County Clerks & to Each of the County Treasurers for the use of the Supervizors and for Printing Proclamations & all other Publick Acts of the Government, from the first of September Last to the first of September next, at the rate of Fifty Pounds pr. Annum.

TO the said James Parker for his Extraordinary Services the further Sum of Fifteen Pounds!

TO Adolph Brass as Land & Tide waiter of the Colony Duties or to the Land & Tide waiter thereof for the time being from the first of September Last to the first of September next at the rate of Thirty Pounds pr. Annum.

TO John Kip for his Services as Gauger of Liquors Subject to the said Duties or to the Gauger thereof for the time being, from the first of September Last, To the first of September next at the rate of Thirty Pounds pr. Annum.

TO George Duncan Clerk of the General Assembly for his Services as Clerk from the Sixth of November One Thousand Seven Hundred & Forty four, to the fourteenth of May following the Sum of Forty four pounds Eight Shillings.

TO the said George Duncan Clerk of the General Assembly or to the Clerk thereof for the time being for his Services in that office, and for Engrossing all Public Acts & furnishing Paper

from the first of September Last to the first of September next, Twelve Shillings pr Diem payable upon a Certificate of the General Assembly Signed by the Speaker for the number of Days which he has Served or may Serve the General Assembly.

TO the said George Duncan for his Extraordinary Services to the General Assembly the Sum of Seven Pounds.

TO Alixander Lamb for his Services as Door Keeper to the General Assembly from the Sixth of November one Thousand Seven Hundred and FORTY four To the fourteenth of May following the Sum of Eighteen Pounds Ten Shillings.

TO the said Alixander Lamb for his Services as Door Keeper of the General Assembly, Or to the Door Keeper thereof for the time being from the first of December Last, To the first of September next at the rate of Five Shillings pr Diem Payable upon a Certificate from the General Assembly Signed by the Speaker for the Number of days he has served or may Serve the General Assembly.

TO the said Alixander Lamb for Sundrys Disburst by him for the use of the General Assembly the Sum of Five pounds Fifteen Shillings.

TO the Treasurer of this Colony for the Time being for all the Services which have been or shall be Performed by him in that office, from the first day of September Last, To the first Day of September next after the rate of Two Hundred Pounds pr. Annum.

AND for the Due & Orderly Payment of the Several Articles Allowed in this Act, BE it Enacted by the Authority aforesaid, That the following Allowances shall be upon Warrants Issued in Council Signed by the Governour or Commander in Chief for the time being, by & with the Advice & Consent of the Council at the respective times herein mentioned, that is to Say,

THE ARTICLES to his Excellency for his Salary, & house rent, to the Three Justices of the Supreme Court, To the Indian Interpreter, to the Secretary, To the Clerk of the Council, To the Door Keeper of the Council, To the Printer, To the Land & Tide waiter, and to the Ganger, Quarterly, Either from the first of September Last, or from the Particular times mentioned in the Allowance of any of the said Articles, And for the Articles for Fire wood & Candles in New York & Albany & for the Commissioners of Indian Affairs after the Thirteenth of June next.

BE it Enacted by the Authority aforesaid that Every Such Warrant & Warrants as aforesaid Issued at the time & times



above mentioned for the respective Sum & Sums of money allowed in this Act, Shall be paid by the Treasurer, out of the money hereby applied for that Purpose, To the Person & PERSONS to whom the Same shall be made Payable, or to his or their Assigns, and his or their receipt thereon, Shall be to the said Treasurer a good Voucher & Discharge in Law for so much as Shall thereby be acknowledged to have been Received, Provided the Same do not Exceed the respective Sum or Sums Allowed in this Act.

BE IT Provided & Enacted by the Authority aforesaid, That if his said Excellency, Shall happen to Die, or to be Superseeded in the Administration of this Government, or that any of the before Mentioned officers should happen to Die or be Removed from their respective offices, before the first day of September which will be in the year of our Lord One Thousand Seven Hundred & Forty Six, Warrants may be Issued in manner as aforesaid for so much only out of the respective Sum or Sums allowed in this Act, as at the time of Such Death or Superseedure, or Removal Shall bona fide be then Due to him or them, And if Such Warrant or Warrants shall not Exceed Such Arrear the Treasurer is to pay the Same to Such officer or officers Respectively, or to his or their Executors, Administrators or Assigns, & the remainder of Such Allowance or Allowances is to be kept in the Treasury till Disposed of by Act or Acts thereafter to be Passed for that Purpose.

BE it Enacted by the authority aforesaid that if by mistake or otherwise any Warrant or Warrants might Issue in manner as aforesaid for any matter or thing not Provided for in this Act or Exceeding the respective Sum or Sums allowed in it, and that the same should be Tendered for Payment to the Treasurer, He is hereby Strictly Charged & Required not to Pay the Same, and if any Suit or Suits should be brought against him for Such Refusal or Refusals, He is to Plead the General Issue & give this Act in Evidence, & if a verdict pass for the Defendant or the Plaintiff be non Suit or forbear Prosecution the Defendant shall have Treble Costs, to be recovered as in other Cases where Costs are given by Law to Defendants.

BE it Enacted by the Authority aforesaid, That the Allowances to the Clerk & Door Keeper of the General Assembly, Shall be paid by the TREASURER upon their Producing the Certificate herein before mentioned and their respective Receipts thereon shall be to the said Treasurer a good Voucher &

discharge for so much as shall in Such Receipts be Acknowledged to have been Received, Provided the same do not Exceed the rates hereby Severally allowed to each of them, And that the following Allowances (vizt.) To the Reverend Henry Barkley Myndert Wemp & Company, Anthony Bleeker, John Abeel & Gerrardus Lansing, Stephen Van Renselaer, the additional Articles to James Parker George Duncan & Alixander Lamb, Shall be paid by the Treasurer to Them respectively in the manner directed by this Act, and their respective Receipts Shall be a Discharge to the Treasurer for the Same.

And that the Sum of Six Hundred Pounds Allowed to the Treasurer for Moneys Advanced by him to his Excellency for Presents to the Indians & the Sum of two Hundred Pounds Allowed to him for his Services as Treasurer during the time before Mentioned, shall be a good Discharge to him for so much in his Account.

BE it Enacted by the Authority aforesaid that when all the Several Articles Allowed in this Act, shall be paid & Discharged in the manner therein Directed out of the Moneys hereby applyed for that Purpose, all the Remainder of the said Moneys Shall be kept in the Treasury, Until the Same Shall be applyed and Disposed of to & for the Support of this Government by Act or Acts hereafter to be Passed for that Purpose.

AND be it Enacted by the Authority aforesaid that the Treasurer Shall keep Exact Books of the Several Payments which by this Act, he is Directed to make & to render true Accompts thereof upon Oath to the Governour or Commander in Chief for the Time being, To the Council or to the General Assembly when by them or any of them thereunto Required.

#### [CHAPTER 807.]

[Chapter 807 of Livingston & Smith and Van Schaack, where the title only is printed.

An Act to raise a Sum not Exceeding one Hundred Pounds for the Finishing of the Court House & Goal in the County of Ulster & Defraying Such Charges as are already laid out & Expended towards the Building of the said Court House and Goal.

{Passed, November 29, 1745.}

WHEREAS the Justices of the Peace in Ulster County or the greater Number of them, have by virtue of an Act of the



General Assembly Passed in the Sixth year of his Majesties Reign, Intituled an Act to Enable the Justices of the Peace in Ulster County to build a Court House & Goal for the said County, and to Enable them to Dispose of the Old Court House & Goal & the Lott of Ground it Stands on, and to Enjoyn the Supervizors to Raise the Charge of Executing the Negro therein Mentioned, and also by virtue of one other Act Passed in the Eighth year of his Majesties reign Intituled an Act for the better Explaining and more Effectual putting in Execution the Act of General Assembly therein mentioned, as also one other Act of the General Assembly passed in the Eleventh year of his Majesties Reign, Intituled an Act to Enable the Justices of the Peace in Ulster County to Defray the Charges of Building a Court House & Goal for the said County, And to Enable them to finish the same & for the Defraying of other Charges therein mentioned, which said Sums of Money so raised by virtue of the before Mentioned Acts have not Proved Sufficient to Finish the said Court House & Goal.

BE it therefore Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That for Defraying of the Charge already Expended in Carrying on the said Building & for Finishing the same, It shall & may be Lawfull for the Supervizors of the County of Ulster or the greater Number of them at any time after the Publication of this Act, to raise Levy and Collect of FROM & upon all and Every Freeholder & Inhabitant within the said County at Such time or times as to them or the greater Number of them Shall Seem most Convenient, So much mony as Shall appear to them or the greater Number of them to have been already laid out & Expended & unpaid towards the Building the said Court House & Goal, So that the whole Sum of mony to be raised by virtue of this Act, Shall not Exceed the Sum of one Hundred Pounds for the Paying the Charges already Expended and unpaid, And for Finishing the Same, and for the more Easy & Effectual Levying the Sum, or Sums of mony to be raised by virtue of this Act.

BE IT ENACTED by the Authority aforesaid That it shall & may be Lawfull for the said Supervizors or the greater Number of them, and they are hereby Authorized, Impowered & Required to Assemble in the County House at Kingston Or at Some other Place as to them or the greater Number of them shall Seem most Convenient, To compute & ascertain the Proper

tion of Each Town, Mannor & Precinct within the said County, which the said Supervizors or the greater Number of them are hereby Impowered & required to doe, which Computation being so made the Said Supervizors Shall Transmit their Warrants from under their hands & Seals to the Assessors of the Several Towns Mannors & Precincts within the said County Together with the Quota of Such Town, Mannor or Precinct, for which Such Assessor is Chosen, which said Sum of Money, the said Assessors shall rate & assess on all the Estates Real & Personal of all the Freeholders & Inhabitants of the Town, Mannor or Precinct for which they are Chosen Assessors, and after the said Assessment being so made the said Assessor shall Deliver the Same to the Collector of the said Town, Mannor or Precinct for which they are Chosen assessors, and the said Collector of Each Town Mannor or Precinct, Shall Collect the Same & pay it to Such Person as Shall be Directed by the said Supervizors or the greater Number of them to receive the same.

AND be it further Enacted by the Authority Aforesaid that after the said Supervizors have so ascertained & Computed the Proportion of Each Town, Mannor & Precinct & before they shall direct their warrants to the Assessors of the Several Towns, Mannors & Precincts They shall first Examine the Books & Accompts of the County Treasurer, what Sums of Money have been paid into the Treasurers hands by the Collectors of the Several Towns, Mannors & Precincts, and not yet Appropriated for the use it was Intended, and all Such Sums of money as Shall appear to the said Supervizors or the greater Number of them to have been Paid to the said Treasurer by any of the above said Collectors as was Intended for the further Building of the said Court House and Goal, & all Such Sums of money so paid by any of the Collectors of the above said Towns Mannors or Precincts, Shall be part of the Quota of Such Town, Mannor or Precinct as have paid the Same, And no more Shall be raised on the Freeholders & Inhabitants of Such Town, Mannor or Precinct than Shall appear to be Due on their Quota after Such Deduction is made Provided always that Every Collector respectively be Allowed Nine pence in the Pound for his Trouble & pains in Collecting & paying the Same.

AND be it Enacted by the Authority aforesaid that the Assessors of Each Town, Mannor & Precinct within the County aforesaid, Shall before they or any of them, make their Assessments, take the following Oath before any one of his Majesties



Justices of the Peace who are hereby Impowered and Required to Administer the Same, I, A. B will well, Truly, Equally, Impartially & in Due & equal Proportion, According to the best of my Skill & understanding Rate & Assess all the Estates, Real & Personal of all Freeholders and Inhabitants of the Place for which I am Chosen Assessor, So help me God.

AND be it further Enacted by the Authority Aforesaid that if any Person or Persons, chosen or appointed Assessor or Collector for the time being SHALL neglect to Assess or refuse to make Such assessment as by this Act is required, or Shall Deny, Neglect or Refuse to Collect any Sum or Sums of money, Laid Taxed & Assessed in form before mentioned, and thereof be Convicted before any one of his Majesties Justices of the Peace for the said County Shall Forfeit the Sum of Five pounds Current money of this Colony, to be recovered before any one of his Majesties Justices of the Peace for the said County who is hereby Authorized Impowered & Required to hear & Determine the Same, which Sum of Five pounds is to be paid one half to the Treasurer of said County towards Defraying the Publick Charge of said County & the other half to him that shall Sue for the Same & the said Justices to appoint other Assessor or Assessors, Collector or Collectors in his or their Room or Stead.

AND be it Enacted by the Authority Aforesaid, that if any Person or Persons within the Limits of this Act Shall Deny, Neglect or Refuse to Pay his or their Proportion According to their Assessment, Then it shall and may be Lawfull for the Collectors to make Distress & Sale of the offenders goods or Chattels, And after the Rate & reasonable Charges paid to return the Overplus if any there be to the owner or owners thereof.

#### [CHAPTER 808.]

[Chapter 808 of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 1, 1743. Provided for by chapter 820.]

#### An Act for the Establishing a Military Watch for the City and County of Albany.

[Passed, November 29, 1745.]

WHEREAS the City & County of Albany being a Frontier is daily Lyable to be Surprised by the French, and the Indians in that Interest & as nothing can be more Effectual to prevent any Such Surprize or Invasion from an Enemy than having a good

**Military Guard.** Be it therefore Enacted & it is hereby Enacted by his Excellency the Governour the Council & the General Assembly, That from & after the Publication of this Act, The Collonel of the Regiment for the City & County of Albany or in his absence the next commanding officer is hereby Impowered required & Directed to command Such a Detachment of the Militia Regiment or Independant Companys of Militia as He shall think Proper to be made for the Watching, Guarding or Defending any part or Parts of the City or County of Albany & at Such time or times as he shall think Necessary.

AND be it further Enacted by the Authority Aforesaid, That that Part of the said Militia Regiment or Independant Companys of Militia, That Shall be Ordered out of the County, to keep watch or Guard in the City of Albany or Town of Schenectady, Shall be Provided with Meat, Drink & Lodging by the Inhabitants of the said City or Town, at their own Cost & Charge, During the time of their being Posted there, & shall be Billeted in Such manner as shall be Directed by the Mayor Recorder & Aldermen of the said City & the Justices of the Peace for the Township of Schenectady.

AND be it further Enacted by the Same Authority that Every officer who being so ordered by the Commanding officer as aforesaid, to repair with his Men & arms to the Place directed for him to Watch, Shall refuse or Delay or Neglect to Attend at the time & Place required, Shall for Every Such Neglect Delay or Refusal Forfeit the Sum of Twenty Pounds Current money of this Colony to be recovered by Warrant under the hand & Seal of the Commanding Officer, and Every Private Soldier that shall refuse Delay or Neglect to attend at the time & Place Directed for him to watch when Commanded by the Captain or his other Superior officer Shall for Every Such Neglect Delay or Refusal Forfeit the Sum of Five pounds Currant money aforesaid to be Recovered by warrant under the hand & Seal of the said Captain or other Superior officer, & in case of non Payment of Such fines INCURRED by them for Such Neglect, it shall be Levied by Distress & Sale of the offenders goods & in case no goods or Chattels can be found belonging to the offender or offenders, They shall be committed to the Common Goal there to remain without Bail or Mainprize for the Space of Three months.

AND be it further Enacted by the same Authority That all Persons able to bear Arms (Living within the City & County of



Albany, (Ministers of the Gospel Doctors of Physick & Surgeons only Excepted) Shall in their Turns upon due warning be obliged to Serve upon the Military watch or Send a fitt man in his Room on Penalty of Six Shillings for Every Default or Neglect to be recovered from Every Such Defaulter or Defaulters & upon Non payment thereof to be Levyed by Distress upon his or their goods & Chattels, & Every Commission officer in their Turn Shall be obliged to mount Such guard in their Proper Persons, under the Penalty of Twenty Shillings for Each neglect, to be recovered as is herein before Directed, Provided always & be it further Enacted that nothing in this Act contained, Shall Exempt the Inhabitants of the City of Albany or Town of Schoneectady from being Liable to the Same Fines & Forfeitures on their Refusal to keep watch when thereunto required out of the said City or Town, as the rest of the Inhabitants of the County are made Liable to by this Act.

AND be it further Enacted by the Same Authority, that in case it Should so happen, That the Captain of the Guard, or any Inferiour Commission officer should not mount the Guard, in that Case the Sergeant is hereby vested with the Same Powers & Authorities as the Captain or other Inferiour Commission officer would have if They were present, and shall be Liable to the same Fines & Forfeitures on his Neglect or Refusal, and his Warrant to make Distress on the offenders Goods for not appearing when thereunto required, Shall be as good & valid as the Captains, or other Inferiour Commission officers any thing in this Act or any other to the Contrary notwithstanding

AND be it further Enacted by the Authority Aforesaid, That EVERY Person who shall appear under Arms at Such Watch or Guard & During Such Appearance, Shall Refuse or neglect to Perform Such Military Duty as Shall be Required from him, or shall Depart from his Colours or Guard without Leave from Such officer, Shall for Every Such offence Forfeit the Sum of Twenty Shillings & for Nonpayment thereof, Shall be Committed by Warrant from the officer present to the County Goal till the said Twenty Shillings be paid with the Prison Fees.

AND be it further Enacted by the Authority aforesaid that in the case of the absence of the Colonel, Lieutenant Colonel, or Major of the Regiment the Town Major of the City of Albany, shall be & hereby is vested with all Such Powers & authorities within the said City as relate to watching in the said City which by this Act are Lodged & vested in the said Colonel

Lieutenant Colonel or Major for that Purpose, any thing in this Act to the Contrary Notwithstanding

AND Whereas it is Expedient that a head Gunner & a Proper Number of Montrosses shou'd Exercise the Cannon in the County of Albany, whereby They as well as others may by Seeing such Exercise be enabled to make a Proper use of them whenever there shall be occasion for it. Be it Enacted by the Authority aforesaid, that Such Head Gunner & Montrosses when appointed by the Colonel of the Regiment of said County, shall not be obliged to watch & ward and shall be Exempted from Serving as Constables, or Surveyors of the high ways, or upon Jury's or Inquest, any usage or Law or any thing in this Act to the Contrary notwithstanding. '

AND be it further Enacted by the Same Authority that in case of an Alarm or an Invasion, Every Soldier upon notice thereof is Immediately to Repair armed to his Colours, or Parade, on Penalty of Fifty Pounds, which Parade shall be understood to be the habitation of his respective Captain unless it shall be otherwise ordered & appointed, and the Colonel or in his absence the next Commanding officer, Shall be & hereby is Impowered & directed to Command the whole or any part of the Regiment Independant Companies of Militia, or Troops of Horse, any or Either of them to march to SUCH part or parts of the County, as he shall Deem necessary, or according to Such orders as he shall receive from the Captain General or Commander in Chief for the time being, to repell the said Invasion, or Secure any part of the County, and Every Officer Refusing or Neglecting to obey such orders as he shall receive from the Colonel or next Commanding officer, shall forfeit for Every Such Refusal or Neglect, the Sum of one Hundred Pounds Current money of this Colony, and every Soldier that shall Disobey his officer in the Execution of the orders aforesaid, Shall for Every Such Disobedience Forfeit the Sum of Fifty Pounds of like money, to be recovered by Warrant from the Colonel or next Commanding Officer from Each officer in the said Regiment, & from Each Soldier by Warrant from their Respective Captains or next Commanding officer, which Several Fines of one Hundred Pounds & Fifty Pounds upon non Payment Shall be Levied by Distress & Sale of the offenders goods & Chattels, and if none to be found they shall be Committed to the County Goal, there to remain without bail or mainprize for the Space of one whole year.



AND be it further Enacted that on all other Sudden Emergencies as well as in case of Alarms as may require part of the Militia to be under Arms, the officer or officers where Such Emergencies may happen shall & hereby is & are fully Impowered to call his or their Company or Company's Immediately to Arms, and not only to march them to the Place or Places where their Service is most Required, but also to Employ them in keeping a Military Watch, and in the meantime to give the Speediest Intelligence thereof to his Colonel or next Commanding Officer, and upon Receiving of his Directions, He shall pursue Them in such manner as he shall order and require, and Every officer not Performing what is hereby Enjoyned them Shall for every Such offence Forfeit the Sum of one Hundred Pounds, and Every Private Soldier for Each Neglect the Sum of Fifty Pounds, to be recovered by Distress & Sale of the offenders goods and if no goods to be found They shall be Committed to the County Goal there to remain without bail or mainprize for the Space of One year.

AND be it further Enacted by the Same Authority that the Sheriff of the said City & County is hereby Impowered & required to receive the Body's of all Such offenders against this Act as shall be brought to him by virtue of a Warrant or Warrants under the hand & Seal of Such Officer as aforesaid and him or them to keep in safe Custody until Such Fines mentioned in the said Warrants Together with the Prison fees shall be Paid, and it is hereby Declared that the Sheriff shall in Such Cases as aforesaid be Intituled to the Same Fees as are allowed in all other Cases.

AND be it further Enacted by the Authority Aforesaid that the Several Penalties & Forfeitures in this Act mentioned upon Non Payment thereof, shall be recovered by Distress & Sale of the offenders goods by Warrant from the Colonel or next Commanding officer of the Regiment To be Directed to the Clerk of the Regiment where the offender is a Captain or above that Degree, and where under the Degree of a Captain by warrant from the Captain or next Commanding officer, Directed to the Serjeant or Corporal and all the Fines & forfeitures in this Act mentioned shall be applied for and Towards purchasing Arms & Ammunition for the Regiment of the said County.

AND be it Enacted by the Authority aforesaid that nothing in this Act contained, shall be Intended or Construed to derogate from or in any wise Lessen or Diminish the Powers Lodged

or vested in the Captain General or Commander in Chief for the time being by his Majesties Letters Patent Commission or other Power whatsoever any thing in this Act contained to the contrary thereof in any wise notwithstanding.

AND be it Enacted That if any Person or Persons shall be Sued Molested or Impleaded for any matter or thing Lawfully done and Commanded in the Execution & Performance of this Act. He or they shall Plead the General Issue and give this Act in Evidence, and if the Plaintiff Discontinue his Action be non-suit or a Verdict pass against HIM the Defendant shall recover Treble Costs nor shall any Such Suit or Suits be admitted or Allowed to be brought unless it be done within Three months next after the offence is Committed.

AND be it further Enacted that Every Article, Clause and thing in the Act for the better Regulating of the Militia of this Colony passed in the Eighteenth year of his present Majesties Reign, So far as they Relate to Allarms, Invasions, Military guards or watchings, in the City and County of Albany are hereby Repealed & made null & void, To all Intents constructions & Purposes whatsoever.

AND be it further Enacted that this Act shall be of Force from the Publication hereof, to the first day of December which will be in the year of our Lord One Thousand Seven Hundred & Forty Six.

#### [CHAPTER 809.]

[Chapter 809 of Livingston & Smith and Van Schaack, where the act is printed in full. Revived by chapter 891.]

#### 'An Act to Prevent Damages by Swine in Dutches County.

[Passed, November 29, 1745.]

WHEREAS Several of the Inhabitants within Dutches County have been & Still are very Negligent & remiss about their Swine in Suffering them to go at Large without any manner of care or Restraint So that they often get into the Neighbours Corn fields, Orchards Gardens & other Inclosures, And there do considerable hurt & Damage to prevent which for the future.

BE it Enacted by his Excellency the Governour Council & General Assembly, and it is hereby Enacted by the Authority of the Same, That from & after the Publication of this Act, it shall and may be Lawfull for all & Every the Inhabitants within



Dutches County from time to time & at all times hereafter during the Continuance of this Act, to keep or Impound in any Pound or Place within the said County Either Publick or Private All Swine Small or great which shall go at Large on the Commons, High Ways or Uninclosed Land, or get into their or any of their Corn Fields, Orchards, Gardens, or other Inclosures contrary to the True Intent & meaning of this Act, until the Owner or Owners of Such Swine Shall pay & Satisfy to the Person or Persons who shall so take, keep or Impound them, For Every grown Swine Esteemed Six Months Old & upward the Sum of one Shilling, current money of this Colony, and for every Swine under that age or so Esteemed Six pence in Like money besides the Damages Such Person or Persons shall have Sustained by means or reason of Such Trespass or Trespasses, which Damage Shall be ascertained by any Justice of the Peace within the said COUNTY taking to his Assistance two of the neighbouring Freeholders under Oath to appraise the said Damages.

AND be it further Enacted by the Authority aforesaid that in case the owner or owners of Such Swine so taken, kept or Impounded as Aforesaid, Shall or will not within Forty Eight Hours after Due notice thereof had of Such Taking keeping or Impounding, Redeem their said Swine, by Paying the said Penalty Imposed by this Act, that then it shall & may be Lawfull for the Person or Persons so taking, keeping or Impounding Such Swine, To Expose them to open Sail to the highest bidder and out of the money arising by Such Sale to retain in their own hands So much as is allowed for the Forfeitures and Damages decreed by the Justice & two Freeholders as aforesaid & the overplus, if any be to such owner or owners, He she or they proveing to be the true Owner or Owners of Such Swine, and if no Such owner or owners do put in their Claim & prove Themselves the True Owners within Three Months after Such Sale, that then it shall be paid to the overseers of the Precinct in said County where the Forfeiture so doth arise for the use of the Poor in Such respective Precinct, Provided nevertheless, that no Person or Persons whatsoever not being Freeholders or Inhabitants or the Servants of Freeholders or Inhabitants shall have any Power by this Act to take up or Impound any Swine as aforesaid, this Act to Continue to the Year one Thousand Seven Hundred & Fifty.

## [CHAPTER 810.]

[Chapter 810 of Livingston & Smith and Van Schaack, where the title only is printed. See preamble to chapter 886.]

An Act to Finish & Compleat the Court House and Goal in Dutches County and for Defraying the Other Charges therein Mentioned.

[Passed, November 29, 1745.]

WHEREAS the Justices of the Peace in Dutches County or the Greater Number of them have by virtue of an Act of the General Assembly, Passed in the Fifteenth Year of his Majesties Reign Intituled an Act to Enable the Justices of the Peace in Dutches County to build a Court House & Goal or to Enlarge & Repair the old one, And as the said Justices or the Greater Number of them have out of the moneys, so raised Levved & Collected by Virtue of said Act already Built & Erected a Court House & Goal in Poghkeepsie Precinct within the said County, And for as much as the money so Raised Levved & Collected has not been Sufficient for Finishing & Compleating the Same.

BE IT THEREFORE Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby Enacted by the authority of the Same that it shall & may be Lawful to & for the Justices of the Peace or the Greater Number of them of the said County, At any time after the Publication of this Act to Raise Levy & Collect off, from & upon all & Every Freeholder Inhabitant & Sojourner within the said County A Sum not Exceeding Three Hundred Pounds for Finishing the said Court House & Goal And the Moneys so to be Raised, Shall be Assessed Levved & Collected in the Same manner and method, and be under the Same Regulations & Restrictions as is Enacted ordered & Directed in & by the aforesaid Act in as full & ample manner to all Intents Constructions & Purposes whatsoever, Anything in the said Act to the Contrary hereof notwithstanding.

BE it further Enacted by the Authority aforesaid that the money so to be raised Levved & Collected by virtue of this Act, shall from time to time be paid by the Several & Respective Collectors into the hands of Frances Filkin & Henry Livingston Esqrs. as Managers thereof (or to Such as the Majority of the JUSTICES Shall appoint in Case Either of said Managers Shall



Die remove out of the Said County or Refuse Such office) In the manner & form following that is to Say One Hundred & Forty Pounds in the month of May next which will be in the year one Thousand Seven Hundred & Forty Six, And in the year One Thousand Seven Hundred & Forty Seven in the said Month of May, one Hundred Pounds, and in the year of our Lord one Thousand Seven Hundred & Forty Eight in the said Month of May, The Sum of Sixty Pound Residue of the before Mentioned Three Hundred Pounds, And that the said Sums so to be Raised, be paid into the hands of Such Manager or Managers as above and by them, to be Employed & paid for Such Materials & workmanship As are already Provided done & laid out for the Benefit of said Building and further to Apply the Remaining Sum toward the further Completion thereof, And all the money Arising by virtue of this Act, Shall be Employed for the uses aforesaid & the said managers to render an Accompt upon Oath of all the money received by him or them when thereunto required by the said Justices or the greater Number of them, how the same hath been by them Employed & Disposed of.

#### [CHAPTER 811.]

Chapter 811 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for Naturalizing Jurian Hansen Schaack and Hendrick Wessels.

[Passed, November 29, 1745.]

WHEREAS the above named Jurian Hansen Schack & Hendrik Wessels have by their Petition presented to the General Assembly of the Colony of New York desir'd that They might be Naturalized & become his Majesties Liege Subjects within the said Colony.

BE it Enacted by his Excellency the Governour the Council and the General Assembly, & it is hereby Enacted by the Authority of the Same That the above named Jurian Hansen Schack & Hendrik Wessels Shall be & hereby are Declared to be Naturalized to all Intents Constructions & Purposes whatsoever & from henceforth & at all times hereafter Shall be Intituled to have and Enjoy all the Rights, Liberties, Priviledges & advantages which his Majesties Natural born Subjects in the said Colony have & Enjoy or ought to have & Enjoy as fully to all Intents & Purposes as if the said Jurian Hansen

Schack and Hendrik Wessels had been born within his Majesties said Colony of New York.

PROVIDED always & it is hereby further Enacted by the Same Authority, That the said Jurian Hansen Schack & Hendrik Wessels shall take the oaths appointed by Law Instead of the oaths of Allegiance & Supremacy, Subscribe the Test & make repeat Swear to & Subscribe the Abjuration oath in any of his Majesties Courts of Record within this Colony, which oaths the said Court or Courts or any of them are hereby required upon Application to them made to Administer take the Subscriptions & cause the Names of the said Jurian Hansen Schack and Hendrik Wessels, So Swearing & Subscribing to be Entered upon Record in the said Court, and the said Jurian Hansen Schack & Hendrik Wessels are hereby required to Pay the Several Sums herein after Mentioned that is to Say, To the Speaker of the General Assembly the Sum of Ten Shillings, To the Judge of the Court the Sum of Six Shillings & to the Clerk of Such Court the Sum of three Shillings

AND be it further Enacted by the Authority aforesaid That if the said Jurian Hansen Schack & Hendrik Wessels having so Sworn & Subscribed as aforesaid shall demand a Certificate of their being Entred upon Record in the manner herein before Directed, the Court in which Such Oaths and Subscriptions shall be made is hereby Directed & required to grant Such under the hand of the Judge & Seal of the said Court in which Such Oaths & Subscriptions as aforesaid shall be made counter-signed by the Clerk of the said Court, for which Certificate they the said Jurian Hansen Schack & Hendrick Wessels shall pay over & above the Sums before Mentioned, the Sum of Six Shillings, one half to the Judge of Such Court & the other half to the Clerk thereof, which Certificate, Shall at all times be to them a Sufficient Proof of their being naturalized by Virtue of this Act in as full & Effectual a manner as if the Record aforesaid was Actually Produced.

PROVIDED also & be it further Enacted by the authority aforesaid, that if the said Jurian Hansen Schack & Hendrik Wessels Shall not take the oaths Test & abjuration in manner herein before Directed within one year after the Publication hereof they shall have no manner of Benefit by this Act, any thing therein Contained to the Contrary notwithstanding.



## [CHAPTER 812.]

[Chapter 812 of Livingston & Smith and Van Schaack, where the act is printed in full. See chapter 33 and chapter 146. Amended by chap. 1443.]

An Act to Enable the Inhabitants of the City of New York to Choose Annually two Vestrymen for each respective ward within the said City.

[Passed, November 29, 1743.]

WHEREAS by two Acts of the General Assembly of this Colony one Intituled an Act for Settling a Ministry & Raising a Maintainance for them in the City of New York, County of Richmond, West Chester & Queens County, Passed in the Fifth year of King William & Queen Mary, And the other Intituled an Act for the better Explaining & more Effectual putting in Execution an Act of General Assembly, Intituled an Act for Settling a Ministry & Raising a Maintainance for them in the City of New York, County of Richmond, West Chester & Queens County, Passed in the Second Year of Queen Anne, And for the better Establishment of the Maintainance for the Minister of the City of New York, The Freeman & Freeholders of the said City, are Authorized & Impowered to Choose Annually, on the Second Tuesday in January, Ten Vestry men, and two Church Wardens, which said Ten Vestry Men, or the Major part of them in Conjunction with the Justices of the Peace of the same City or any two of them, are thereby Impowered & Required to Lay a Reasonable Tax on the Inhabitants of the same City of New York for the Maintainance of the Minister & Poor of the said City. AND whereas Since the Passing the aforesaid Acts the said City of New York is greatly Increased as well in Extent as Number of Inhabitants, and there being now Seven Wards within the said City, And it being Conceived that for the more Regular Laying & Assessing the said Tax for the Maintainance of the Minister & Poor of the said City, there should be two Vestry Men Annually Chosen for Each respective ward or Division of the said City.

BE IT THEREFORE ENACTED by his Excellency the Governour the Council & General Assembly, and it is hereby Enacted by the authority of the Same That on the Second Tuesday in January Next, and on the Second Tuesday in January in Every

Year for ever hereafter, There shall be Chosen Fourteen Vestry Men, (that is to Say) Two Vestry Men for Each & Every Ward within the said City, which said Fourteen Vestry Men shall be Chosen in the Same manner & shall do & Perform the Same Duties & Services, & Shall be Subject to the Penalties & Forfeitures as the Vestry Men are Subject & Lyable to by the before Mentioned Acts of Assembly.

AND be it further Enacted by the Authority Aforesaid that the Vestry Men so Chosen, Shall before They make any Assessment, Meet Together & then & there Agree among Themselves in what Proportion or Rule the Estates Real & Personal of the respective Inhabitants Shall be Taxed under the Penalty of Five pounds for Each Neglect or Default, one half to the Person or Persons That will Inform or Sue for the Same in any Court of Record, and the other half to the Poor of the said City and County, To the End that the Same Rule and Proportion be alike Throughout the whole City and County of New York.

AND be it further Enacted by the Authority aforesaid that the Several Vestry Men Annually Chosen by virtue of this Act, shall before He or they take upon him or Them the Execution of the said office, take an oath to be Administred in these words, following (vizt.) You do Swear upon the Holy Evangelists of Almighty God, That you & every of you Shall and well & Truly Execute the Duty of an Assessor, and Equally & Impartially and in due Proportion Assess the Several Freeholders and Inhabitants According to the Value of their Respective Estates, in an Equal & Just Proportion in Every of your Respective Wards for which you are Chosen Vestry Men, According to your best Skill and knowledge therein, You shall Spare no Person for favour or Affection, or grieve any Person for Hatred or Ill will, neither shall you Spare the Freeholders & Inhabitants of your Respective Wards for which you are Chosen Vestry Men TO GRIEVE & oppress the Freeholders & Inhabitants of the other Wards, SO HELP YOU GOD, which oath any Two or more Justices of the Peace for the City and County of New York, one whereof to be of the Quorum are hereby Impowered & Directed to Administer.



## [CHAPTER 813.]

[Chapter 813 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for Paying the Sum of one Thousand Five Hundred & Eleven pounds, Twelve Shillings for the Service of this Colony.

[Passed, November 29, 1743.]

WHEREAS Several Sums of Money are required to answer the present contingent Charges of the Government, Be it Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Treasurer of this Colony Shall be & hereby is Impowered & required out of the Produce of any Fonds not appropriated to the annual Support of the Government of this Colony, to pay the Several Sums of Money herein after Mentioned in the manner following, that is to Say.

TO Henry Beekman of Albany for Furnishing Provisions for the double Garrison of Regular Forces at Oswego, from the Twenty third Day of December one Thousand Seven Hundred & Forty five, To the Twenty third day of June one Thousand Seven Hundred & Forty Six, The Sum of Two Hundred & Twenty Eight Pounds.

TO the said Henry Beekman for Carrying four Barrels of Pork to Oswego in September Last the Sum of Eight pounds & Sixteen Shillings.

TO Captain John Waldron for his care & Service as keeper of the Colony Stores of War in the City of New York, for the Term of one year, from the Twenty first of September Last, and as head Gunner of the Cannon on the Batteries of the said City & for the Exercise and management thereof Every fourteen Days or three weeks at the longest during Eight months in the said year or to Such Store Keeper & head Gunner for the time being as shall perform the said Services the Sum of Thirty Pounds, And to the said Captain John Waldron or the head Gunner for the time being the further Sum of Thirty Pounds, To & for the Encouragement & Benefit of Nine Montrosses out of the Artillery Company, who have freely offered & undertaken Personally to attend and assist in the Exercise & management aforesaid during the term & at the time & times above Mentioned, to wit, Peter Low, William Hamersly Henry Row, Richard Durham, Thomas Vater, John Leake, George Witts, Hugh Crawford and John Lush. And if any of them

happen to Die, remove out of the Colony OR Neglect or refuse to perform the said Services in manner aforesaid, the Place or Places of Such are to be Supplied by Such Voluntiers out of the said Company as Shall be Approved of by the Governour or Commander in Chief for the time being, and that the said Monies be paid at the Expiration of the Term to the said John Waldron, or the Lead Gunner, And the said John Waldron & Montrosses Shall be obliged to do Personal Duties as Gunners, in case of an Invasion.

TO Collonel Philip Schuyler for Purchasing Gun powder for the use of the Several Fortifications in the County of Albany the Sum of Seventy Pounds.

TO his Excellency the Governour for Mr. Sharpes Charges in Sending Stores hither from England the Sum of Twenty Nine Pounds in Discharge of the said Mr. Sharpes Accompt of fourteen Pounds & Ten Shillings Sterling.

TO Aaron Stephens the Sum of Twenty Pounds & Sixteen Shillings in Discharge of an Accompt concerning the Indians brought against this Government by him.

TO Lieutenant John Lindesay for Sundries laid out & Disbursed by him at Oswego the Sum of Twenty five pounds, which with One Hundred & Forty Pounds already Allowed in a former Act is in full Discharge of an Accompt brought by him against this Government, of one Hundred Ninety three Pounds Thirteen Shillings & Six pence.

TO Collonel Elijah Hutchinson for Purchasing Gun Powder for the use of the Great Guns in the County of Suffolk the Sum of Fourteen Pounds.

TO John DePeyster & Philip Livingston Junr. for furnishing Provisions for the Detachment of the Militia at Oswego, from the Fifteenth of September Last to the Fifteenth of March next the Sum of Four Hundred & Fifty Six Pounds.

TO the Commanding officer at oswego the Sum of Twenty Pounds to be Laid out by him for Treating & Entertaining the Indians there and the Receipts of the Several Persons aforesaid for the respective Sums of money above Mentioned, Shall be good Vouchers for the said Treasurer

TO the Commissioners of Indian Affairs at Albany the Sum of Four Hundred Pounds to be by them Employed for Out-scouts from the first of September Last to the first of September Next, and the Receipts of the said Commissioners for the said Sum shall be a Sufficient Voucher & Discharge to the said Treasurer for so much, and of the Due Disposition of the



said Sum of Four Hundred Pounds, the said Commissioners are to keep Exact Books and to Render true and Distinct Accompts thereof upon oath to the Governour or Commander in Chief for the time being to the Council, or to the General Assembly when by them or any of them thereunto Required.

TO Paul Richard Esq. the Sum of one Hundred & Eighty Pounds for Purchasing a Quantity of Gun Powder to be Sent to Albany and Delivered to Collonel Philip Schuyler, Colonel of the Regiment of Militia in the County of Albany or to the Collonel of the said Regiment for the time being to be Employed for the use of that Part of the Colony, and his Receipt to the Treasurer for the Same Shall be a good Voucher & Discharge to him for so much.

AND be it Enacted by the Authority aforesaid, That the Treasurer Shall keep Exact Books of the Several Payments, which by this Act he is directed to make, & to Render true Accompts thereof upon Oath to the Governour or Commander in Chief for the time being, to the Council or to the General Assembly, when by them or any of them thereunto required.

AND be it Enacted by the Authority aforesaid that all the Monies borrowed by this Act, Shall be Repaid into the Treasury in Such manner & by Such means as by Act or Acts hereafter to be Passed for that Purpose shall be ordered & Directed.

#### [CHAPTER 814.]

[Chapter 814 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 771. Continued by chapter 843.]

An Act for Continuing an Act Intituled  
an Act for the better Regulating the Militia of  
this Colony.

[Passed, November 29, 1745.]

WHEREAS an Act Intituled an Act for the better Regulating the Militia of this Colony, will Expire by its own Limitation the first day of December in this Present year one Thousand Seven Hundred & Forty five, And for as much as it is highly necessary to have the Militia of this Colony under Proper Regulations

BE IT ENACTED by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above Mentioned Act, shall be Continued from and after the Publication hereof Until the first day of December which will be in the year One Thousand Seven Hundred & Forty Six.

## [CHAPTER 815.]

[Chapter 815 of Livingston & Smith and Van Schaack, where the act is printed in full.]

An act To make it Felony without Benefit of Clergy, to Counterfeit any Spanish, French or Portugeese Gold or Silver within this Colony.

[Passed, November 29, 1745.]

WHEREAS EVIL disposed Persons have Lately attempted to Counterfeit the Spanish French & Portugeese Gold Coins & the Spanish Pieces of Eight & other Spanish Silver Coins Imported into this Colony, To the great Hurt & Damage of the Inhabitants for Prevention thereof for the future.

BE it Enacted and it is hereby Enacted by his Excellency the Governour the Council & the General Assembly, and by the Authority of the Same That any Person or Persons that shall hereafter be found Guilty of Counterfeiting any of the French, Spanish or Portugeese Gold, Coins or Spanish Pieces of Eight, or any other Spanish Silver money, or shall Pass any Such Gold or Silver Coin, Knowing the Same to be Counterfeit Shall for Such offence being thereof Convicted Suffer the Pains & Penalty of Death with out the Benefit of Clergy, as in Cases of Felony, any Law Usage or Custom to the Contrary Notwithstanding.

## [CHAPTER 816.]

[Chapter 816 of Livingston & Smith and Van Schaack, where the title only is printed. Livingston & Smith states that the act was passed February 25, 1745. Van Schaack states that the act was passed February 25, 1745-46. The original is signed by the Governor as being enacted February 27, 1745. The discrepancy in this arises from the fact, that the first three months of the year were often referred to as months of the preceding year. For instance, February 27, 1746 was frequently written February 27, 1745-46. (See Journal of the council, p. 917.)]

An Act for the Regulating the Militia of this Colony.

[Passed, February 27, 1746.]

WHEREAS a due & Proper regulation of the Militia of this Colony tends not only to the Security & Defence thereof, but like wise to the Honour & Service of his Majesty.



BE IT THEREFORE ENACTED by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That Every Person from Sixteen to Sixty Years of Age Shall Inlist himself with the Captain, or in his absence with the next commanding Officer, Either of the Troop of Horse in the City or County where he dwells or Resides, or in Such company of foot, whose Captain or next commanding officer has the command thereof, in the City, Town, Borough Mannor, or Precinct, where Such Person shall reside or Sojourn, under the Penalty of Forty Shillings, for Every three months that Such Person Shall remain so Unlisted after notice given, And all Captains of Troops of Horse & Companies of Foot, in the Several Cities, Boroughs, Townships, Mannors & Precincts of this Colony, are hereby commanded to take due care to Inlist all Persons from Sixteen to Sixty Years of Age, which age in case of Doubt is to be Proved by the said oath of the Person whose age is in Question, or the oath of his Parent, or Some Other Credible Witness to be administered by the officer before whom the Dispute Shall happen to be, who shall and is hereby Impowered to administer the Same in the words following.

I, A. B. do Swear upon the Holy Evangelists of Almighty God, that C. D. Summoned before Captain E. F in order to be Inlisted is        years old according to the best of my knowledge and belief, So help me God.

WHICH Oath being Duly administered by the Captain or Other Officer, who hath Summoned Such Person before him in order to be Inlisted, and it appearing that he is under Sixteen he shall be for that time Dismissed, and if it should appear, That he is above the Age of Sixty, Such Person shall be Exempted at all Times thereafter, from being so Inlisted.

AND be it further Enacted by the Authority aforesaid That all CAPTAINS of Troops of Horse & Companies of Foot, Shall Provide for their Companies and Troops Respectively, Drums & Trumpets, Colours & Banners & Drummers and Trumpeters at the proper Charge of their Respective Captains of Troops and Companies, under the Penalty of Six pounds, and for Every month Such Captain shall remain Unprovided thereof, the Sum of Three Pounds.

AND be it further Enacted by the Same Authority, That the Colonels or Commanding officers of all Regiments, Troops, or unregimented Companies within this Colony, Shall at Least once in Every Year, Issue out their Warrants to their Inferior officers,

commanding him or them to make dilligent Search and Enquiry in their Several Districts, That all Persons be duely Inlisted, Armed, and Equiped, and to Return to Them the names of Such Defaulters, as he or they shall find, to the End they may be Punished according to this Act, & if any Colonel of a Regiment or in his absence the next Commanding Officer or any Captain or Commanding officer of a Troop of Horse or Unregimented Company, shall neglect his Duty herein, He or they so Neglecting, Shall Forfeit the Sum of Five pounds, for every such neglect or omission

AND be it further Enacted by the Authority aforesaid, That at Least once in Every year or oftener if Occasion Shall require & Command be given by the Colonel, and in his absence by the next commanding officer, of the respective Regiments, the Several Companies in each Regiment and the Troops of Horse of the Several Counties, Shall meet at Such Places therein, as Shall be appointed by the Colonel, or in his absence by the next commanding officer, to be then and there Mustered & Exercised, and Every Captain of Each Company, Regimented or Unregimented, Shall four Times Every Year at Least, have his Company under Arms, and Exercise Them, and Every Soldier belonging to the Foot or Independant Companies of Foot, shall at the time & Place appointed appear and be Provided with a well fixed musquet or Fuzee, a good Sword, Belt, Cartridge Box filled with Nine Cartridges of Powder & nine Sizeable Bullets, under the Penalty of Five Shillings for Each Musquet or Fuzee not well Fixed, and one Shilling for want of a Sufficient Sword or Belt or Cartridge Box, and the Same for the want of Each Cartridge or Bullet, The whole Penalty for the Default of one Person for one Day not to Exceed Twenty Shillings, and the Sufficiency of the Musquet or Fuzee Sword Belt or Cartridge box, To be Judged & Determined by the Captain or in HIS absence by the next Commanding Officer of Such Company, and Every Foot Soldier or Trooper shall at his Habitation or Place of abode have one pound of good Powder & Three pound of Sizeable Bullets, upon Penalty of Ten Shillings for Each Soldier, and if any Foot Soldier or Trooper shall refuse to Shew his Captain or person Sent by him, or other officer for that Purpose by this Act appointed, all or any of the Equipage, Furniture or Ammunition herein mentioned, He shall be Deemed & Esteemed to be unprovided therewith, and shall be Fined accordingly.



AND be it further Enacted by the authority aforesaid, That Every Soldier belonging to the Horse, shall at the Time & place appointed to appear and be Provided with a good Serviceable Horse not less than Fourteen hands high with a good Saddle, Holsters, Housing, Breast plate & Crupper, a case of good Pistols, a good Sword or Hanger, half a pound of Powder & Twelve Sizeable Bullets, a good Hatt Laced with Gold Lace, a blew coat & Breeches, with gilt or brass buttons, a Scarlet Waistcoat, a pair of boots with Suitable Spurrs, and a Carbine well fixed with a good belt Swivell & Bucket, Provided that as much hereof as relates to the Cloathing of Troopers, shall Extend to the City and County of New York only.

AND be it further Enacted by the authority aforesaid, That the Troopers for the City and County of Albany, shall be Cloathed in Blew Coats & their Hatts shall be Laced with Silver, and the number of the Troopers in the said City & County, Shall be Sixty & no more besides officers, and the number of each and every other Troops in this Colony shall be Fifty Troopers and no more besides officers.

BE IT FURTHER ENACTED by the Authority aforesaid, That for a Constant Supply of Troopers in Each City & County within this Colony, where there are Troops of Horse whensoever it shall happen by Death or otherwise, That there be fewer Troopers in number than are Limited by this Act, and the Same cannot be Supplied by Voluntiers. That then the Captain of Such Troop shall under his hand Certify unto the Colonel of the Regiment of Foot, or in his absence, To the next Commanding officer in the City or County, where such want shall happen, how many Troopers are WANTING in his List of the Troop under his Command, and thereupon the said Colonel, or next Commanding officer of such Regiment, Shall nominate out of the Same the number that shall be so wanting as aforesaid, Provided that Such Person or Persons so nominated by the said Colonel or next Commanding Officer be a Freeholder & not under the Age of Twenty-one Years; Except in the City & County of New York, where they may be Nominated without being Freeholders, upon which nomination the Person or Persons so Nominated, shall within the Space of Two Months Enlist and Equip Themselves as is hereby Directed, and Every Person that shall be so Nominated to Serve in any of the Troops, and Refusing or neglecting to Inlist and Equip himself & Serve, He shall for Such offence Forfeit the Sum of Ten Pounds, and upon

Payment thereof, Shall not be Lyable to any other or Further Forfeiture for any offence Respecting the Troop, but shall nevertheless be Subject to Serve in the foot Service, as if no Such Nomination had Ever been made, and all Troopers already Listed or who shall consent to be Listed in manner aforesaid, Refusing or Neglecting to appear according to the tenor and meaning of this Act Shall for Every Such offence Forfeit the Sum of Twenty Shillings. For want of a Sizeable Horse Ten Shillings, and for want of Each or Either of the Articles of the Troopers Cloathing or furniture the Sum of Five Shillings. Provided that all the Penalties on one Person for the Default of one Day, do not Exceed the Sum of Forty Shillings

And be it further Enacted by the Authority aforesd. that no Military Commission Officer either of Foot Companys or Troops of Horse whether regimented or unregimented nor any Trooper of the City of New York or Albany Shall be Lyable or Subject to serve in the office of Constable, if chosen while he is such, any law usage or Custom to the contrary notwithstanding

AND be it Enacted by the Authority aforesaid, That the Companies of Cadetts in the City of New York, are to Consist Each of a Number not exceeding one Hundred Men besides officers, and the Blew Artillery Company of the said City, To consist of a Number not exceeding one Hundred & Thirty Men besides officers, And if the Colonel of the Regiment of the said City, or in his absence the next Field officer, thereof, doth Suspect, That the Captain or Captains of the said Companies have Inlisted a greater Number than is Limited above, The Captain of the Company so Suspected, shall be obliged within fourteen Days after Notice, To deliver to the Captain General or Commander in Chief, a True and Compleat Roll under his or their hands of the Name & Names of all the Persons He or they have on his or their List, and a True Coppy thereof to the said Colonel or next Field officer of the said Regiment, and on failure to Forfeit the Sum of Five Pounds, To be Levied by Warrant under the hand & Seal of the Captain GENERAL or Commander in Chief for the Time being, and if it thereby appears that more are Inlisted than the Number above Mentioned, all Such Supernumary Men, are Immediately to be Discharged out of Such List, and the Captain is to give a List of their names to the Colonel or next Field officer aforesaid, and the Person or Persons so discharged,



Shall within fourteen Days thereafter Inlist him or Themselves in one of the Foot Companies of the said Regiment, and Such of the Persons so Discharged, as shall omit to Inlist himself accordingly Shall be Subject to the Fines in this Act on Persons omitting or neglecting to Inlist in the Militia.

AND be it further Enacted by the Same Authority, That no Person or Persons being thereunto required by their Superiour & Proper officer, shall refuse or neglect to be and Act as Serjeant, Corporal, or Drummer in any Troop or Company under the Penalty of Forty Shillings, and in case any Serjeant or Corporal so Appointed, Shall refuse or neglect to warn the People to appear under Arms when thereunto Required by his Captain or next Commanding Officer, he shall for Every Such Neglect or Refusal Forfeit Twenty Shillings.

AND be it further Enacted by the Same Authority, That such Articles of WAR as the Captain General or Commander in Chief for the time being, with consent of the greater part of the Field officers of the Several Regiments of this Colony, shall make & Establish, shall by the Authority of this Act have full Force Virtue & Effect for the Punishment of all offenders against this Act, and the said Articles or any thing therein Contained, And all officers and Soldiers of the Militia Horse or Foot within this Colony, during Such Time as they or any of Them, are under Arms in the Field, or upon Watch & Ward or other Duty, They & Every of them shall observe & keep all and Every the Articles of WAR so as aforesaid Established, and shall pay Due obedience to his or their Superiour officer or officers, and all his or their Lawfull Commands, And all the Colonels of the Several Regiments, Captains of Troops of Horse & unregimented Companies of Foot, or other the next officer in their Absence, are to give out true Copies of said Articles by Them attested, or by one field officer at Least unto the Respective officers under Them, That the Same may be Publickly Read at the head of Every Regiment unto the Soldiers while they are Under ARMS, To the End all Persons Inlisted may the better know & observe their Several Duties, and if it Shall happen that any officer or Soldier, shall at any time whatsoever, whether under Arms, upon Duty or Otherwise Maliciously abuse, affront, or take Revenge, or Endeavour by Force to take Revenge for any matter or thing by his or their Superiour officer Lawfully done in Pursuance of his or their Duty, or of any thing Contained in this Act, The

said officer or Soldier, shall be brought before a Court Martial, & shall be Tryed for the Same According to the true Intent & meaning of the Articles of WAR, Provided always that Such Punishment shall not Extend to the Loss of Life or Limb.

AND to the End That Articles of War may be speedily established, Be it further Enacted that in Case any Field officer shall without any reasonable Cause neglect to appear, at the time & place appointed pursuant to Notice given for that purpose by the Capt. General or Commander in Chief for the time being, every such Officer making such Default shall forfeit the Sum of Twenty pounds

BE it Provided & Enacted by the Authority Aforesaid, That until Such time as the before mentioned Laws & articles of War shall be Established as aforesaid, Every Soldier under Arms, that shall not give Due obedience to his Superior Officer, Shall Forfeit the Sum of Ten Shillings for Each offence, And if any Person Inlisted to Serve, Either in Horse or Foot shall neglect to appear or appearing under Arms & during Such appearance, Shall Refuse or Neglect to Perform, Such Military Duty as shall be required from him, or shall depart from his Colours or Guard, without Leave from Such officer, He shall Forfeit the Sum of Twenty Shillings, and for nonpayment thereof, Shall be Committed by Warrant from the Captain or Commanding officer there Present of the Company or Troop to which such offender doth belong to the next Goal, til the said Twenty Shillings be paid with the Prison Charges, and the Sheriff of each City & County is hereby Impowered & Required to receive the Body or Bodies of all Such offender or offenders against this Act, as shall be brought to him by virtue of a Warrant or Warrants under the hand & Seal of Such officer as aforesaid, and him or Them to keep in Safe Custody, until Such Fees & Fines mentioned in Such Warrant are paid, and it is hereby Declared that such Sheriffs or Keepers of Goals, shall in Such Cases as aforesaid, be Intituled to the Same Fees as are allowed in all other Cases

AND be it further Enacted by the Authority aforesaid, That no Person whatsoever do Fire any Small Arm after Eight of the Clock at night, Unless in case of Alarm or Insurrection, in which Case Four Musquets or Small Arms, distinctly fired, or where Great Guns are, The firing of one Great Gun & two musquets or Small Arms distinctly & beating a Drum, shall be taken for an Alarm, which Shall be continued along from Place to



Place throughout the Colony, and Every Person that shall neglect his Duty in taking & Forwarding the Alarm by Firing & BEATING Drum as aforesaid or that shall Fire Arms after Eight of the Clock at Night contrary to the meaning of this Act Shall be fined or Punished at the Discretion of a Court Martial not Extending to Life or Limb, And in case of an Alarm every Soldier upon Notice thereof is Immediately to repair Armed to his Colours or Parade on Penalty of Twenty Five Pounds, which Parade shall be Understood to be the Habitation of his respective Captain, unless it shall be otherwise ordered & appointed, AND for the better prevention of False Alarms no Captain Master or Commander of any Ship or Vessell Riding at anchor in any of the Rivers, Harbours or Bays of this Colony, nor any other Person Shall Fire any Gun or beat any Drum after Eight of the Clock at Night, under Penalty of Forty Shillings, for Every Gun so Fired or Drum beaten, To be Levied by Warrant as aforesaid from the Chief Officer of the Regiment next adjoining not under the Degree of a Captain who is hereby Impowered to have Jurisdiction thereof, and to Administer an oath & give judgment thereupon, and to direct Distress & Sale of the offenders Goods & for want of Such Distress the said Chief Officer is Impowered to Commit Such Offender to Goal there to Remain until Payment be made of the Same, And the Captain Commander or Master of any Vessell from whence such Gun or Guns shall be Fired, Shall be Deemed & Understood to be the offender in this Respect, and in case the Chief officer of the Regiment or Captain aforesaid Shall not Perform his Duty therein, He shall Forfeit Three Pounds to be Levied, by Warrant from the Captain General or Commander in Chief for the Time being.

AND that Alarms from Sea may be Soon Conveyed, Be it Enacted by the authority aforesaid, That the Beacons already Erected by virtue of a Former act, shall be kept up (to wit) one on the Western part of Rockway, One other at the narrows on the Island Nassau, and one other opposite to it, on Staten Island, And the respective Colonels of the Places aforesaid Shall be & hereby are obliged to have Due care taken of Them, as Likewise to appoint Proper Persons Living near the said Beacons, To Set the Same on Fire, upon the Sight or appearance of Seven, or a greater Number of Ships, And when the Alarm is given by one, the others are also Immediately to be

set on Fire, To the End an Alarm may be conveyed to New York in the Speediest manner, And when the said Beacons are Consumed, others ARE Immediately to be Erected by the Respective Colonels above Mentioned.

AND be it further Enacted That all Drummers & Trumpeters in Service or that shall be Put in Service by the Several Captains during Pleasure, Shall Serve for the Salary of Forty Shillings per annum for a Trumpeter & Twenty Shillings per Annum for a Drummer; finding their Trumpet or Drum, and Twenty Shillings for a Trumpeter, & Ten Shillings for a Drummer if the Captain do Provide the Trumpet or Drum, and Each Drummer or Trumpeter refusing to Serve to Forfeit Forty Shillings, To be Levyed in manner aforesaid always Provided That no Indian Negro or Mulatto Slave shall be in Listed or do any Duty belonging to the Militia of this Colony Excepting, as in the Manner herein after directed. PROVIDED & be it Enacted by the Same Authority, That the Members of the General Assembly, The Clerk of the General Assembly, Justices of the Peace, High Sheriffs, Coroners & all other officers of Courts, Ministers of the Gospell, School Masters, Physicians, Surgeons, Persons Employed in Furnaces for making of Iron, one Ferry Man to Every Publick Ferry, one Miller to each grist Mill house, Shall be Free from being Listed in any Troop or Company within this Colony.

BE it Enacted by the authority aforesaid That no Commission officer of the Militia of this Colony Superceded, Shall afterwards be obliged to do the Duty of a Private Soldier, Unless he be Cashiered for Cowardice or some other Offence by a General Court Martial, nor shall it be in the Power of any Commission officer of any Regiment Company or Troop to throw up, or quit his Commission unless he is Superceded in his Rank, or has Served in that Rank, Fifteen years at the Least, any thing in this Act to the Contrary thereof Notwithstanding.

AND WHEREAS upon certain Emergencies it may be found necessary to keep Military Watch & Ward, in Some part or Parts of this Colony BE it Enacted by the Authority aforesaid that whensoever Such Emergencies Shall make it necessary to keep a Military Watch in any of the Cities or Counties of this Colony, all Persons able to bear Arms, Living within the said Cities or Counties, (Ministers of the Gospel, Doctors of Physick, & Surgeons Excepted) Shall in their Turns upon due warning



be obliged to Serve upon Such Military Watch, according to the order and DIRECTION of the Captain general or Commander in Chief for the Time being or the Colonel of the Regiment, or next Commanding Officer, in Every City & County within this Colony, on Penalty of Twelve Shillings for Every Default or neglect to be Recovered from Each & Every Such Defaulter or Defaulters, and upon Non Payment thereof to be Levied by Distress upon his or their goods & Chattels in like manner as other Fines by this Act are Directed to be Distrained for. PROVIDED nevertheless that it shall & may be Lawfull for any Person or Persons whatsoever obliged to Serve upon Such Military Watch to Put a Sufficient able well armed Man in his or Their room, who shall Supply his or their absence, But commission officers in their Turns Shall always be obliged to mount Such Guard in their proper Persons under the Penalty of Forty Shillings for each Neglect.

PROVIDED also that nothing Contained in this Act shall Lessen or abridge the Several Liberties & Exemptions which are allowed & granted to the Fire Men of the City of New York in & by an Act, Intituled an Act, for the better Extinguishing Fires which may happen in the City of New York Passed in the Eleventh year of his Majesties Reign.

BE it further Provided & Enacted by the Authority aforesaid, That the head Gunner & the Matrosses for the Time being, The Clerk of the General Assembly, and the Governments Printer, shall not be obliged to Serve in any Military or Civil Watch & Ward, and shall be Exempted from Serving as Constables or Surveyors of the high Ways, or upon Juries or Inquests, any Law, usage or Custom to the Contrary Notwithstanding

AND be it further Enacted by the Same Authority, That every Military Watch or Guard Shall post Centrys in Such Places as the officer of the Guard thinks Proper, and any Centry that shall Leave his Post or fall asleep where he is Posted, He shall be Lyable to Such Punishment as shall be Inflicted by a Court Martial, and Every Centry upon the approach of any Person or Persons, Shall Challenge him or Them Three Times Distinctly AND if They make no answer the first Second or Third time, He shall Fire upon him or them, and if it should so happen, That he should Kill or wound the Person or Persons So Challenged, Every Centry so wounding or killing any Person or Persons as aforesaid, shall not be Lyable to any Punishment, any Law, usage, or Custom to the Contrary Notwithstanding.

**AND** be it Provided & Enacted by the Authority aforesaid, That in case of a General Alarm, or Invasion, all unregimented or Independant Companies and Troopers, Shall in the Absence of the Captain General or Commander in Chief, be under the Immediate command & Direction of the Colonel, and in his absence, the next field officer of the Regiment of the City or County where Such unregimented or Independant Companies or Troops are or may be, anything herein to the Contrary hereof Notwithstanding.

**AND** be it further Enacted by the authority aforesaid That all Persons within this Colony, able to bear Arms, who have born Commissions Either in the Civil or Military way, or are Exempted by this Act (Ministers of the Gospel, Physicians & Surgeons Excepted) Shall in case of a General Invasion, be obliged to Repair well armed & Equiped to the Place to be appointed in Each City, Town, Mannor or Precinct in the Several Counties of this Colony by Such officer or officers as the Governour or Commander in Chief for the Time being shall Commissionate & appoint in the Several & Respective Places aforesaid to Command Them, but if the Governour or Commander in Chief for the Time being should not think Proper, to Commissionate officers to command Them, in that case They shall be obliged to appear, under the Captains of the Several Districts where they Dwell & Reside, and if they Neglect or Refuse to appear at the Place appointed, in time of Such Invasion, Every Person so Refusing Neglecting or absenting himself, Shall for Every Such offence, Forfeit the Sum of Fifty Pounds.

**PROVIDED** nevertheless and be it further Enacted That all Physicians Surgeons and Apothecarys Resident within the Citys of New York and Albany in Case of Invasion and Attack by the Enemy, shall respectively attend each respective Troop & Company of the Militia (as occasion may require) with Medicines & Utensils on such Posts as shall be assigned by the Capt. Genl. or Commander in Chief for the time being to take Care of the sick and Wounded, and for the Care & Medicines Administered to poor Men & Servants wounded or Sick in the Service they shall be paid & rewarded out of the publick Treasury of this Colony, but in case any Physician, Surgeon apothecary Resident as aforesaid shall willfully neglect their attendance upon any such Occasion, the person or P'sons so neglecting shall forfeit the Sum of £100 to be Recover'd and applyed in



such Manner as shall hereafter be directed by Act or Acts to be passed for that purpose.

AND be it Enacted by the Authority aforesaid, That no officer or Soldier by this Act directed to appear & muster as aforesaid, or that shall be appointed to watch, Shall be Liable to be taken by any officer in any Civil action whatsoever, on the Day whereon Such Person is Directed to appear or Watch, or on ANY reasonable Time, Either in going to Continuing at, or Returning home from the Place or Places appointed to muster or Watch, and all officers are hereby Required to take notice hereof & govern Themselves Accordingly.

ANI be it further Enacted by the Authority aforesaid, That if any Person be wounded or Disabled upon any Invasion, or in any other Military Service, He shall be taken care of and Provided for by the Publick During the Time of Such Disability.

AND be it further Enacted by the authority aforesaid, That in case of any Invasion, Insurrection or Rebellion, Every Officer of the Militia, shall have full Power & authority by virtue of this Act, and is hereby required forthwith to raise the Militia or Company under his Command, and to Send Immediate Intelligence to the Commanding Officers of the Regiment to which he belongs, who also are hereby Required & Commanded, to Send forwards the Intelligence forthwith to the Commanding officers of the next adjacent Counties Informing him and Them at the Same Time in what manner he Intends to Proceed, and shall in the mean time keep the Militia under his Command under arms until he receives orders from his Superior officers, and Every commanding officer in Every County, to whom Such Intelligence shall come of any Insurrection, Invasion or Rebellion Shall forthwith dispatch an Express to the Governour or Commander in Chief for the Time being notifying the Danger, and shall therewith Signify the Strength & Motions of the Enemy and for that Purpose the said Commanding officer hath hereby full Power to Impress Boats & Hands, Men & Horses as the Service may Require for the Dispatch of Such Intelligence, And until orders shall arive from the Governour or Commander in Chief, Shall draw Together the Militia of his County, and March them to Such Place or Places as he shall Judge most Convenient for opposing the Enemy, and Every field Officer That Shall neglect or Refuse to Perform his Duty hereby Required, shall Forfeit the Sum of Two Hundred Pounds, And

Captain or other Inferior Officer for his Neglect or Re-  
 shall forfeit the Sum of one Hundred POUNDS and Every  
 Man for his Neglect or Refusal shall Forfeit the Sum  
 fifty five Pounds.

ENACTED always That nothing in this Act contained shall  
 be construed to Extend, To the Members of his  
 Council, The Clerk of the Council or his Deputy,  
 or Domestick Servants any thing Contained in this Act  
 Contrary Notwithstanding.

TO be it further Enacted by the Same Authority That  
 Person that Dwells and resides in the City of New York,  
 shall be Exempted from bearing Arms by any Civil or Mili-  
 Commission He shall be Possessed of for any of the  
 Cities of this Colony Except the Person or his Father has  
 Estate in fee Simple in the said County, and all Commis-  
 That have heretofore been granted on Purpose to Exempt  
 Persons from bearing Arms, and all other Commissions  
 granted at Large to Persons in any of the Cities & Counties of  
 Colony which do not confine Them to any Particular Corps  
 hereby Declared Null & void to all Intents and Purposes  
 forever and Every Person claiming Exemption by Commis-  
 shall produce the same and be Obligated to appear and do  
 duty in the Place where he Resides, as if no Such Commis-  
 had been granted or shall take the following Oath (which  
 the Officer within whose Beat the person so claiming Ex-  
 on Inhabits is hereby Impowered to Administer) vizt. I  
 do swear that my Commission was not obtained with Intent  
 to keep me from Ordinary Duty in the Militia, nor have I been  
 seduced therein by my own Consent, so Help me God, any  
 usage, or Custom to the Contrary notwithstanding.

TO be it further Enacted by the Same authority that in  
 case of an Actual Invasion Every Person able to bear arms that  
 Leave the City or Place Invaded, without the order of the  
 commanding officer for the time being Shall Suffer the Pains of  
 Death by being Shott at the head of the Company to which he  
 belongs, and if he be an officer He shall be Shott at the head of  
 his Regiment being first duly Convicted by a Court Martial

TO be it further Enacted by the Authority aforesaid that  
 whenever it shall be FOUND Necessary to Constitute & appoint  
 a Court Martial in any of the Regiments of this Colony, The  
 Colonel shall return himself and the next Commanding officer  
 of his Regiment and Twenty four other officers of his Regiment



not under the Degree of Commission officers, To the Governour or Commander in chief for the Time being, who shall Commissionate under the Broad Seal of this Colony, Thirteen out of the said Twenty Six, To be a Court Martial, a field officers always to be one, which field officer shall be President of the Court, and Such Court Martial shall have Power and Authority to Administer an oath to any Witness in order to the Examination or Tryal of any of the offences that shall come before them Provided always, That in all Tryals by a Court Martial by virtue of this Act, Every officer present at such Tryal, before any Proceedings be had thereupon, shall take an oath upon the Holy Evangelists before one of the Judges of the Supreme Court, or one of the Judges of the Inferiour Courts of Common Pleas in the Several Counties where the Courts Martial are held, who are hereby authorized to Administer the Same in these words, That is to Say.

I, A. B do swear that I will duly administer Justice according to Evidence & to the Direction of the Act, Intituled an Act for the Regulating the Militia of this Colony, without Partiality, Favour or affection, and I do further Swear, That I will not divulge the Sentence of the Court until it shall be approved by his Excellency the Governour, or Commander in Chief for the Time being, Neither will I upon any Account at any Time whatsoever disclose or Discover the Vote, or Opinion of any Particular Member of the Court Martial, so help me God.

AND no Sentence of Death Shall be given against any offender or any other Sentence, But by the Concurrence of the Major part so Sworn, which Major part Shall not be Less than Nine & not otherwise, and no Sentence against any Delinquents Shall be put in Execution until Report be made of the whole Proceedings to the Governour or Commander in Chief for the Time being and his Directions Signified thereupon.

AND be it further Enacted by the Authority aforesaid That Every Captain of a Troop or Company who shall fail to appear at any Muster or Musters hereafter to be appointed or appearing fail or Neglect to Exercise the Troop or Company under his Command, Every Such Captain for Every Such neglect & default shall Forfeit the Sum of Five pounds and Every Lieutenant Cornel or Ensign who shall at any time hereafter fail to appear at any Such Muster or appearing shall not perform his Duty thereat, shall Forfeit & pay the Sum of Three pounds

BE it Enacted by the authority aforesaid that in case the Several Fines, Penalties & Forfeitures in this Act mentioned That do not Exceed the Sum of Twenty Shillings, Shall not be paid upon Demand, the Same shall be Levied Recovered & disposed of as followeth, That is to Say That all Such Forfeitures as do relate to any Person under the Degree of a Captain, Shall be Judged and taken by the Respective Captains To Defray the Charges of their Troops and Companies, and be Lvyed before the next Exercising Day, by Distress and sale of the offenders goods by Warrant from the Captain, or next Commanding officer, Directed to the Serjeant or Corporal of the Company, wherein the said Offence was committed. But if the offender be a Servant or under his Parents care then and in Such Case, the Masters or Parents Goods Shall be Liable to Such Distress and Sale as aforesaid til Satisfaction be made, and if any Serjeant or Corporal Shall Refuse to Execute Such Warrant so to him Directed, Such Serjeant or Corporal, Shall for Every Such offence Forfeit for the uses above Mentioned, The Sum of Forty Shillings, to be Levied in manner before Expressed, by Such other officer, Serjeant or Corporal as Such Warrant shall be Directed to, and for all other Penalties & Forfeitures in this act Mentioned, as do Relate to any Person under the Degree of a Colonel, the Same shall be Levied by distress and Sale of the offenders goods by Warrant from the Colonel or the next field officer where Such offenders are, and all such Penalties and Forfeitures as do Relate to a Colonel, the Same shall be LEVYED by Distress and Sale of the offenders Goods, by Warrant from the Captain General or Commander in Chief for the Time being, which Forfeitures Shall be Applied towards Purchasing Arms for the use and Benefit of the Regiment in the Citties or Counties where the offence is Committed, and the Serjeants Corporals or Clerk of the Regiment are to Reserve to Themselves out of Each Distress, over and above the fine or Forfeiture the Sum of Three Shillings, for Executing each Warrant from their Captain or other Superior officer which warrant and the Execution thereof by the Person to whom Directed, Shall be good in Law, and of Full force and Virtue to and for the Purposes in this Act Mentioned

AND be it further Enacted by the Same Authority, That in case no goods be found on which to Levy the Distress for the Several Fines and Forfeitures by this Act Incurred, The



person offending shall be Committed to the County Goal, and the Sheriff of the City or County where the Forfeiture is Incurred, is hereby Impowered and Required to receive the Body of all Such Delinquents as shall be brought to him by virtue of a Warrant or Warrants under the hand and Seal of Such officer as aforesaid, and him or Them to keep in Safe Custody until Such Fines and fees mentioned in Such Warrant are paid, and it is hereby Declared that Such Sheriff Shall in all Such Cases be Intituled to the Same Fees as are allowed in all other Cases.

AND be it further Enacted by the authority aforesaid, That all the Commission officers of the Regiment of New York, The Commission officers of the Independant Companies of Militia, and the Commission officers of the Artillery Company, and all Military Commission officers and all Civil officers, Dwelling in the City of New York, Shall wear their Swords Every Sunday During Divine Service, under the Penalty of Twenty Shillings for Every Such Neglect, to be Recovered before the Mayor, Recorder or any ONE of the Aldermen of the said City to be applyed one half thereof to the Person or Persons who shall Sue for the Same, The other half to the use of the Poor of the said City.

AND be it further Enacted by the authority aforesaid, That if any Naval Force, Should make any Attempt upon the City of New York and there should not be a Sufficient Quantity of Gun Powder belonging to the Government, for the use and Defence of the Same, There Shall be Immediately Impressèd by the Commander in Chief for the Time being or by the field officers of the Regiment of the City of New York for the Time being So much Powder as upon Such an Event may be Requisite and Necessary to make a Vigorous Defence and Such Part thereof as upon Such an Emergency, Shall be Expended the General Assembly, Shall and will provide, ways and means fully to Pay for the Same at the then Current Price.;

BE it further Enacted by the Authority aforesaid That in case of an Alarm or actual Invasion, the field officers in the City of New York or the Major part of Them, by order from the Governour, or Commander in Chief, may and Shall order and Direct, Each & Every Inhabitant of the said City being Master or owner of a Negro, Indian or Mulatto able Man Slave, to deliver up to the officer appointed, or to the the Place directed for the Rendezvous, One Such Slave to be Employed at the Artillery of

the Several Fortifications in the said City, under the Direction of the proper officer or officers, or in any such manner as shall be directed by the Governour or Commander in Chief for the time being by and with the advice & Consent of His Majesties Council, and in case any Inhabitant shall Neglect or Refuse to deliver up, or Send Such Slave in manner as aforesaid, He, She, or they, Shall Forfeit & Pay the Sum of Forty Pounds Currant money of this Colony, and in case any Such Slave or Slaves Shall be Killed or altogether Rendered unable for Service on Such Invasion, There shall be paid to the Owner thereof, the Sum of Twenty Pounds currant money of this Colony, out of Such money as Shall be hereafter raised by Act or Acts to be Passed for that Purpose

AND be it Enacted by the Authority aforesaid, That if any Person or Persons Shall be Sued, Molested or Impleaded for any matter or thing Lawfully done & Commanded in the Execution & Performance of this Act, He or They Shall plead the general Issue, and give this act in Evidence, and if the Plaintiff discontinue his Action be Non Suited or verdict pass against him, The Defendant Shall recover Treble costs, nor Shall any Suit or Suits be admitted or Allowed to be brought, unless it be done within Three months next after the offence is Committed.

AND WHEREAS many persons have of late made it a practice to lay Boards Masts, & other Timber within the Inclosure of the Fortification on Copsey Battery, and to square and work the same there to the great Incumbrance and Annoyance thereof, as well as hazard & danger, which is likely to arise therefrom to the Store house & other Buildings thereon erected, by Accidents from Fire Be it therefore ENACTED by the Authority aforesaid That if from and after the publication of this Act any person or persons shall lay any Boards Masts or other Timber on any part within the Inclosure of the Fortification aforesaid out of the Bason thereof or work & manufacture the same there, or any of them the person or persons so laying working squaring or manufacturing shall forfeit and pay the Sum of 40s, for every such offence to be recovered before the Mayor, Recorder or any one of the Aldermen of the City of New York upon the Oath of one or more Credible Witnesses; One half thereof to be paid and applyed to the person or persons who shall prosecute & Sue for the same, and the other half to the use of the poor of the said city to be Levied by Distress & Sale of the Offenders Goods and Chattles, and in Case such Boards masts or Timber



or the Shavings occasioned by the manufacturing thereof Shall not be thence removed within two days after the conviction of any Offender or Offenders in the Premises It shall & may be lawful for the Head Gunner belonging to the Said Battery to Cause such Boards Masts or other Timber to be removed and detain the same in his Custody until the Owner or Owners thereof shall pay the further Sum of Forty Shillings to the said Head Gunner together with the Costs & Expences incurred by reason of removing the same.

AND be it Enacted by the Authority aforesaid, That the Act Intituled an Act for the better Regulating the Militia of this Colony passed in the Eighteenth year of his present Majesties Reign, Shall be and hereby is Repealed and Every Article, Clause and thing therein Contained.

AND be it Enacted by the Authority aforesaid that this Act Shall be of Force from the Publication hereof, to the first Day of December which will be in the year of our Lord, One Thousand Seven Hundred and Forty Six.

#### [CHAPTER 817.]

[Chapter 817 of Livingston & Smith and Van Schaack, where the title only is printed. For note in reference to the date of the enactment of this law, see note to chapter 816. Amended by chapter 822. Prolonged by chapter 823.]

[An Act Raising the Sum of Three Thousand Three Hundred and Seventy Five Pounds by a Publick Lottery for this Colony for the more Effectual Fortifying the City of New York.

[Passed, February 27, 1746.]

WHEREAS by Reason of the present WAR the Necessity of this Colony is Such, That it Requires large Sums of money to be Raised for the Publick Service, And the City of New York Requiring Some more Fortifications and Additions to those already Erected, To the End therefore that the Sum of Three Thousand, Three Hundred & Seventy five Pounds current money of this Colony, may be Raised for that Purpose by way of Lottery.

BE IT ENACTED by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That a Lottery be Erected within

this Colony, and that for & Towards the Raising the Said Sum of Three Thousand, Three Hundred & Seventy five Pounds, It shall & may be Lawfull for any Person or Persons Natives or Foreigners, Bodies Pollitick or Corporate, to contribute by Paying at or before the Respective Times by this Act Limited in that behalf, to any Person or Persons herein after to be appointed for that Purpose, The Sum of one pound Ten Shillings, or Divers Entire Sums of one pound Ten Shillings upon this Act, and that Every Contributor or Adventurer for Every Such Sum of One Pound Ten Shillings, which He, she, or They Shall so advance Shall be Interested in Such Lot or Share of & in the Said Lottery Established by this Act, as is herein after Directed & appointed, and the Same Intire Sums of one pound Ten Shillings each are hereby appointed to be paid unto Such Person or Persons as aforesaid, on or before the first Day of June next.

AND be it further Enacted by the Authority Aforesaid, That Peter Valette Peter Van Brugh Livingston, and Gabriel Ludlow Shall be Managers for Prepareing & Delivering out Tickets, receiving of money for the said Tickets & to Oversee the Drawing of Lotts, & to order do and Perform Such other Matters & things as are hereafter in & by this Act Directed & Appointed by Such MANAGERS to be done & Performed, and that Such Managers or the Major part of them, Shall meet Together from time to time at Some Publick Place as to them shall Seem most convenient, for the Execution of the Powers & Trust in them Reposed by this Act, and that the said Managers or the Major part of them shall cause Books to be prepared in which Every Leaf shall be Divided or Distinguished into three Collumns & upon the Innermost of the said Three Collumns there shall be Printed Fifteen Thousand Tickets Numbered One, Two, Three, and so onwards in Arethmatical Progression, where the common Excess is to be one until they rise to & for the Number of Fifteen Thousand, and upon the middle Collumn in every of the said Books, shall be Printed Fifteen Thousand Tickets of the Same Breadth & form & Numbered in like manner, and in the Extreame Collumn of the said Books there Shall be Printed a third rank or Series of Tickets of the Same Number with those of the other two Collumns which Tickets shall Severally be of an Oblong figure, and in the said Books Shall be Joyned, with Oblique Lines,



Flourishes or Devices in Such manner as the said Managers or the Major part of them shall think most Safe & convenient and that Every Ticket in the Extream or third Collumns of the said Books shall have printed thereupon besides the Number, the following words (vizt.) THE BEARER of this Ticket in case it be drawn a Prize is Intituled to the Prize so drawn Subject to Such Deductions as is prescribed by an Act of this Colony in that Behalf.

AND it is further Enacted by the Authority aforesaid that the said Managers, or the Major part of them, Shall carefully Examine all the said Books with the Tickets therein, and that the Same be contrived Numbered & made According to the true Intent & meaning of this act, and all & every Such Manager respectively is & are hereby directed & required upon his or their receiveing of Every or any Intire Sum of one pound Ten Shillings in full Payment for a Ticket, from any Person or Persons Contributing or Adventuring as aforesaid, To cut out of the said Book or Books through the said Oblique Lines, Flourishes or Devices, Indentwise, a Ticket of the Tickets IN the said Extream Collumns which one of the said Managers Shall Sign with his own Name, and He or they shall permit the Contributor or Adventurer (if it be Desired) to write his or her Name or mark on the two Corresponding Tickets in the same Book, and at the Same time the said Managers or one of them shall Deliver to the said Contributor or Adventurer the Ticket so cut of, which he she or they are to keep & use for the better Ascertaining & Securing the Interest which he she, or they, his her or their Executors administrators or assigns, shall or may have in the said Lottery for the mony's so by him her or them Contributed or Adventured, until the said Adventure by the Drawing the Lotts & the Payment of Such Tickets as shall be fortunate shall be fully Determined.

AND be it further Enacted that the said managers or the Major part of them at a meeting as aforesaid, Shall cause all the Tickets of the middle Collumns in the Books, to be Cut Indentwise through the said Oblique Lines Flourishes or Devices & carefully Roled up as much alike as may be, & made fast with Thread, & in the Presence of Such Contributors or Adventurers as will be there present, Cause all the said Tickets which are to be Roled up & made fast as aforesaid, to be put into a Box to be Prepared for that purpose, & to be marked with the Letter A. which is presently to be put in Another Strong Box, and to be

**L**ocked up with Three different Locks & keys to be kept by as many Managers & Sealed with their Seals, until the said Tickets are to be Drawn, as is herein after Mentioned and that the Tickets in the first or Innermost Columns of the said Books, Shall remain Still in the Books for Discovering any mistake or Fraud if any Such Should happen to be Committed, Contrary to the True Intent & meaning of this Act.

**A**ND be it further Enacted by the Same Authority That the Managers before Mentioned or the Major part of them, shall cause to be Prepared other Books in which Every leaf shall be Divided or Distinguished in two Columns & upon the Innermost of these two Columns, there shall be Printed Fifteen Thousand Tickets & upon the outermost of the said two Columns there shall be Printed Fifteen Thousand, All which shall be of Equal Length & BREADTH as near as may be which two Columns in the said Books shall be Joyned with some Flourishes or Devices through which the Outermost Tickets may be Cut of Indentwise & that Three Thousand Tickets part of those to be contained in the Outermost Columns of the Books last mentioned, shall be called the Fortunate Tickets to which benefits shall belong as herein after Mentioned, & the said Managers or the major part of them shall cause the said Fortunate Tickets to be written upon or otherwise Expressed as well in Figures as in words at Length in manner following that is to Say, Upon two of them Severally one Thousand Pounds, Upon two of them Severally five Hundred Pounds, upon four of them Severally Three Hundred Pounds, upon Six of them Severally two Hundred Pounds, upon every one of Twenty of them Severally one Hundred Pounds, upon every one of Forty of them Severally Fifty Pounds, upon every one of them of one Hundred Severally Fifteen pounds, upon every one of two Hundred & one of them Severally Ten pounds, Upon every one of Four Hundred & Five of them Severally Six Pounds, and upon every one of Two Thousand two Hundred & Twenty of them Severally Three pounds, which Sums so to be written or otherwise Expressed upon the said Fortunate Tickets, Together with two Hundred Pounds to be Allowed to the first drawn Ticket & Three Hundred Pounds to the Last drawn Ticket will amount in the whole to the Sum of Twenty two Thousand five Hundred Pounds which is the Produce of Fifteen Thousand Tickets, According to the Valuation of one pound Ten Shillings for Each Ticket as before mentioned, and it is to be Understood



that if the first drawn Ticket, and the Last drawn Ticket, or Either of them shall happen to be also fortunate by drawing a Prize or Benefit Ticket that then the said Sum of Two Hundred Pounds shall be allowed in Addition to the said Prize or Benefit of the first drawn Ticket, and the Sum of Three Hundred Pounds to the Prize or Benefit of the said Last drawn Ticket.

AND be it further Enacted by the Authority aforesaid that the Managers before Mentioned, or the major part of them, Shall cause all the said Tickets contained in the Outermost Collumn of the Last mentioned books, in THE Presence of Such Contributors or Adventurers as will then be there Present, To be cut out Indentwise through the said Flourishes or Devices & carefully Roled up as near as may be alike & fastened with thread, and put into another Box to be Prepared for that purpose, and to be marked with the Letter (B) which Box shall presently be put into another Strong Box & locked up & Sealed in manner as box Lettered (A) until these Tickets shall be also drawn in the manner & form hereafter mentioned, And that no mony shall be received from any Contributor or Adventurer towards this Adventure as aforesaid after the first day of June Next, and that the whole Business of Roling up & cutting of & Putting in the said Boxes the said Tickets, & locking up & Sealing the said Boxes shall be Performed by the said Managers or the Major part of them, on or before the first day of June next, And to the End every Person concerned may be well assured that the Counter part of the same Number with his or her Ticket is put into the Box, marked with the Letter (A) from whence the same may be Drawn, and that other matters are done as hereby Directed, Some Publick Notification in print shall be given of the Precise time or times of Cutting the said Tickets & putting them into the Boxes, to the End that such Adventurers as Shall be minded to See the Same done may be Present at the doing thereof.

AND be it further Enacted by the Same Authority that in case the Fifteen Thousand Tickets should not be Disposed of at the time appointed by this Act for drawing of the Lottery, and there Should remain Tickets unsold not Exceeding two Thousand, in Such Case the Managers or the Major part of them forthwith shall cause all the Tickets of the Said Outermost Collumns which shall not have been disposed of to Contributors as aforesaid if any Such be, not Exceeding two Thou-

said as aforesaid, to be Delivered into the hands of the Treasurer of this Colony for the time being, there to be retained & kept as Cash from the said Managers or Directors, to be Contributed & adventured by the Publick, toward the filling up of the said Lottery for the Bennefit & at the Risque of this Colony, and shall be Signed with the name of one of the managers as aforesaid, and the Corresponding Tickets in the Same Books shall be wrote upon thus (Colony of New York) which Tickets so delivered into the hands of the said Treasurer, Shall by him be kept FOR the better Ascertainning & Securing the Interest which this Colony shall or may have in the said Lottery, for the Tickets so Contributed & adventured until the Adventure by the Drawing of the Lotts & the Payment of Such Tickets as Shall be Fortunate be fully Determined.

AND be it further Enacted by the Authority aforesaid, That on or before the said first day of June next the said Managers or the Major part of them, Shall cause the said Several Boxes with all the Tickets therein to be brought into the City Hall of the City of New York, by nine of the Clock in the forenoon of the Same Day, And shall then & there Attend the Service in order for Drawing, with two Clerks with Books prepared for that purpose, To Enter down all the Fortunate Tickets, and the said Managers or the Major part of them being Prepared for Drawing shall cause the two Boxes containing the said Tickets to be Severally taken out of the other two Boxes in which they shall have been Locked up, and the Tickets or Lotts in the respective Innermost Boxes being in the Presence of the said managers, or the major part of them, and of Such Adventurors as will there be present, for the Sattisfaction of Themselves, well Shaken & mingled in Each box distinctly, & some one Indifferent and fit Person to be appointed & directed by the Managers or the major part of them, Shall take out & draw one Ticket from the Box where the said Numbered Tickets shall be as aforesaid Put, and one other Indifferent and fit Person to be Appointed & Directed in like manner, Shall Immediately draw a Ticket or Lot from the Box where the Three Thousand fortunate and Twelve Thousand blank Tickets shall be Promiscuously put as aforesaid, and Immediately both the Tickets so drawn shall be opened, and the Number as well of the Fortunate as the Blank Tickets, Shall be named aloud, and if the Ticket taken or Drawn from the Box containing the Fortunate & blank Lotts, shall appear to be a Blank, then the Numbered Ticket so drawn



with the said Blank at the Same time drawn shall be wrote upon Blank and shall both be put on one file, and if the Ticket so drawn or taken from the Box containing the Fortunate & blank Lotts shall appear to be one of the Fortunate Tickets, then the SUM written upon Such fortunate Tickets (whatever it be) Shall be Entred by the Clerks so appoited, into the Books prepared for that Purpose Together with the Number comeing up with the said Fortunate Ticket, and two of the said Managers, Shall Set their Names as witnesses to Every such Entry, and the said fortunate & numbred Tickets so drawn Together shall be put upon another file & so the said drawing of the Tickets shall continue by taking one Ticket at a time out of Each Box and with opening, Nameing aloud & fileing the Same & by Ertering the Fortunate Lotts in Such method as is before mentioned, until the whole Number of Tickets shall be compleatly Drawn, and if the same cannot be Performed in one Days time, the said managers or the major part of them shall cause the Boxes to be Locked up & Sealed in manner as aforesaid & adjourn till the next Day, and so from Day to Day & Every day (Except Sundays) And then open the Same & Proceed as above till the said whole Number of Tickets shall be Compleatly drawn as aforesaid.

AND to the End that the Adventurers may have all Possible Sattisfaction in the Due, Regular & Just management of the said Lottery, BE it Enacted by the Authority Aforesaid, that the Mayor, Recorder, Aldermen, and Commonality of the City of New York, may & are hereby Impowered to Appoint every day During the whole course of the Lottery, Two or more of their Body to Inspect all & Every Transaction of the said Lottery, hereby Directed & Required, and that each County in the Colony, may & are hereby Impowered if they See Cause to Depute two Justices of the Peace, or other Beputeable Freeholders or Inhabitants for the aforesaid Inspection, with Proper Certificates of their being so Deputed from the next or any Subsequent General Session of the Peace, and the said Managers or the major part of them are hereby directed & Required to Admit them, and the said Members of the said Corporation to the aforesaid Inspection Accordingly.

AND to the End the fortunate may know whether absent or Present to WHAT degree they have been so and that Speedy Payment may be made upon the fortunate Tickets to the Persons Intituled thereto, Be it Enacted by the Authority afore-

said that During the Course of the Drawing the said Managers or the major part of them are hereby required Weekly To give Publick notice in the New York Post Boy of the Numbers of the Tickets Drawn Blank & also of the numbers of the Tickets drawn against the Fortunate Lotts, and the Sums written on the Same, and as soon as the Drawing is over Shall Pay the said Sums to Such Persons, who shall Produce Tickets with the Numbers drawn against Such Fortunate Lotts, they the said Managers or the Major part of them first, Deducting Fifteen per Cent out of the said fortunate Lotts and to be applied for the more Effectual Fortifying of the City of New York as hereafter is Directed.

AND be it Enacted by the Authority aforesaid, That if any Person or Persons, shall forge or Counterfeit, any Ticket or Tickets to be made forth on this Act, or alter any of the Numbers thereof, or bring any Forged or Counterfeited Ticket, or any Ticket the Number whereof is Altered, knowing the Same to be Such to the said Managers or any of them for the time being, To the Intent to Defraud the Colony, or any Contributor or Adventurer, or the Executors Administrators or Assigns of any Contributor or Adventurer upon this Act, That then Every Such Person & Persons (being thereof convicted in due form of Law) Shall be Adjudged a Felon and shall Suffer Death, as in Cases of Felony, without benefit of Clergy, and the Said Managers, or any one or more of them are hereby authorized Required & Impowered to cause any Person or Persons bringing Such Altered, Forged or Counterfeit Ticket or Tickets as aforesaid to be Apprehended, & to Commit him her or them to his Majesties Goal of the City of New York, to be Proceeded against for the said Felony According to Law.

AND be it Enacted by the Authority aforesaid that Every of the Managers hereby Appointed for Putting this Act in Execution before his Acting in Such Commission, Shall take the Oath following, That is to Say,

I, A B do Swear that I will Faithfully Execute the Trust reposed in me, & that I will not use any Indirect Art or means or Permit or Direct any Person to use any Indirect, Art or means to Obtain a Prize or fortunate Lott, for my Self or any other Person whatsoever, and that I will do the utmost of my Endeavours to prevent any Undue or Sinister Practice to be done by any Person whatsoever, and that I will to the best of my Judgement, Declare to whom any Prize Lott or Ticket



of Right does belong, According to the True Intent of the Act of Governour Council & General Assembly, Passed in the Nineteenth year of his Majesties reign in that behalf, which oath shall be administred by one of the Justices of the Supreme Court of this Colony.

PROVIDED always & be it Enacted by the Authority Aforesaid, That the Managers hereby Appointed, before they take the oath Prescribed by this Act, or Perform or Execute any thing therein Contained, Shall first Enter into the following Recognizances to our Sovereign Lord the King, His heirs & Successors, That is to Say, Each of them before one of the Justices of the Supreme Court in the Sum of Four Thousand Pounds, with two Sufficient Sureties Each in half that Sum, Conditioned, that they shall & will well & truely Each for his Part, Execute the Trust reposed in Them by this Act, and well & truely observe do & Perform all the Directions thereby required to be done & performed by them, according to the true Intent & meaning thereof, which Several Recognizances are to be delivered to the Treasurer by the Justice before whom the Same Shall be so taken (having first caused the Same to be Recorded in the Minutes of the Supreme Court) in order to be Lodged in the Treasury.

AND be it further Enacted by the Authority Aforesaid that the Several Deductions of Fifteen per Cent upon the whole Number of Fortunate Tickets, shall be paid into the hands of the Treasurer of this Colony by the Managers hereof, Together with all Such Sums of money which may arise by such Fortunate Lotts, as shall happen to be Drawn for the use & Benefit of this Colony, respect being had to the Tickets retained in the hands of the said Treasurer as Cash as aforesaid, out of which there Shall be allowed in CASE the Lottery Shall be actually drawn the following Sums (vizt.) To each of the said managers the Sum of Fifty Pounds, To each of the two Clerks Six Shillings pr Diem for Every day, They shall be Actually Employed in the said Drawing, To Each of the Two Persons who shall draw the Tickets Three Shillings pr Diem, for Every day They Shall be so Employed, and all Reasonable charges for Printing Books, Tickets & Advertisements and Such other Incidentr as may necessarily be Required in the said Lottery, and the moneys arising from the said Several Deductions of Fifteen pr. Cent upon the whole Number of Fortunate Tickets, the aforesaid Charges of Management being first Deducted, Shall be paid into

the hands of the Treasurer to be applyed & paid out by him to and for the more Effectual Fortifying the City of New York, in Such manner as Shall be Directed & appointed by such of the Members of his Majesty's Council, or the Major part of Them, & Such of the Members of the General Assembly, as dwell and Reside, or shall be in the city of New York or the major part of Them, with the approbation of the Governour or Commander in Chief for the Time being:

AND be it further Enacted by the Same Authority, That no Fee or gratuity whatsoever Shall or may be Demanded or taken of any Person or Persons Contributor or Adventurer to the Lottery aforesaid, by any Manager or Managers or any other officer or officers Appointed by this Act, for any thing that shall be done pursuant to this Act, upon Pain that any officer or Person offending by takeing any Fee or Gratuity contrary to this Act, shall Forfeit the Sum of Fifty Pounds to the Party grieved, to be Recovered with full Costs in any of his Majesty's Courts of Record within this Colony.

AND be it Enacted by the Authority aforesaid, That unless Thirteen Thousand Tickets be sold & disposed of before the first day of June next, That then the money that has been Received for any Ticket or Tickets by virtue of this Act, shall be by the said Managers repaid to the Person or Persons of whom the Same shall have been Received, His, Her or their Executors Administrators or Assigns, He She or They first Producing the Several Tickets for which Such Repayment shall be Required, and the Lottery hereby Erected and made SHALL from thenceforth become void, Any thing in this Act contained to the Contrary hereof notwithstanding, and in Such Case the Treasurer aforesaid Shall Pay out of any mony then in the Treasury (Except Such as Shall be appropriated for the Annual Support of Government) the Several Incidents before Mentioned upon Proper Certificates Signed by the said Managers or the Major part of Them, and Receipts thereon shall be good Vouchers to him for the Payment thereof, For the amount of which the General Assembly Shall and will Provide ways & means to Repay and replace the Same.

PROVIDED & be it Enacted that in case the said Fifteen Thousand Tickets aforesaid be Sold & Disposed of in manner aforesaid before the first Day of June next, That then the Managers or the Major part of them Shall Proceed to the Drawing the Lotts in manner aforesaid, first giving Publick



notice thereof in the New York Post Boy at Least Fourteen Days before the Drawing the Same, any thing in this Act to the Contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid that if any of the before mentioned Managers Shall happen to Die remove out of this Colony, or Refuse to Act, according to the Several and Respective Powers and Authorities hereby Directed and Required, It shall and may be Lawfull to and for the Governour or Commander in Chief for the time being by and with the advice and consent of his Majesties Council to nominate and appoint Some other fit Person or Persons to be manager or Managers in the Place and Stead of the Manager or Managers so dying Removeing or Refuseing to Act as Aforesaid, anything herein contained to the Contrary notwithstanding Provided that the Person or Persons who may be so appointed shall be obliged to take the like Oath, Enter into the Like Recognizance & SURETIES as is herein Directed to be done by the managers named in this Act, and be in all respects as Subject to observe and Perform the Several Directions of this Act, as if he or they had been named or appointed in it.

#### [CHAPTER 818.]

[Chapter 818 of Livingston & Smith and Van Schaack, where the title only is printed. For note in reference to the date of this law, see note to chapter 816. Continued by chapter 839.]

#### An Act to Prevent Desertion of his Majesty's Forces in this Colony.

[Passed, February 27, 1746.]

WHEREAS sundry of His Majesty's Soldiers have absented themselves & deserted the Service in this Colony, For prevention whereof for the future Be it Enacted by the Governour, the Council and the General Assembly, THAT Whatsoever Person or Persons, Inhabiting Residing or Sojourning within this Colony, Shall after Publication hereof, Receive harbour, Entertain or conceal any of his Majesties Soldiers, who shall desert his Majesties Service, knowing them to be Deserters, in their Houses, Barns, Stables or any other concealed Places in any Part of this Colony, or shall be in any manner of way aiding helping advising, Assisting or Encouraging to any of the said Soldiers, to Desert his Majesties Service, or be any

ways helping to carry any of the said Soldiers out of this Colony, Either by Ship, Bark, Sloop, Vessel, Boat Canoe, Horse, or any other way, shall for each Such offence Pay or forfeit the Sum of Twenty Pounds Current money of this Colony, To be recovered by bill Plaint or Information in any Court of Record within this Colony, wherein no Essoyn Protection or wager of Law, Shall be Allowed, one half whereof to the Poor of the Parish, where the offence is committed, and the other half to the Informer, or him that shall Sue for the Same, which said Courts are hereby Impowered and authorized to hear Try and Determine the Same, And if it shall happen that any Person or Persons as aforesaid, That shall be convicted of any of the aforesaid Offences, and hath not goods and Chattles Lands or Tenements for the Satisfying the Forfeiture aforesaid, Shall Suffer Imprisonment for the Space of Three Months without Bail or mainprize, unless the Forfeiture be Sooner Paid.

AND to the End that all Such as Shall Desert his Majesties Service aforesaid may be taken up and brought to their Respective officers Be it further Enacted by the authority aforesaid That all his Majesties Justices of the Peace, Sherifs, under Sherifs Constables & all other his Majesties officers both Civill & Military, are hereby required to be aiding & Assisting both in the discovery & bringing of Such Deserters to his Majesties Garrisons of New York or Albany, or any other Garrison in this Colony

AND be it further Enacted by the Authority aforesaid That if ANY Persons Shall knowingly Buy or Exchange or otherwise receive any Arms Cloaths or accoutrements belonging to the King from any Soldier or Deserter upon any Account or Pretence whatsoever, The Person so offending, Shall Forfeit for every Such offence Ten Pounds & being convicted thereof at the quarter Sessions, the Same shall be Levied by Distress by Warrant under the hands of Two or more Justices of the Peace, upon the goods & Chattles of Such offender, one Moyety thereof to be paid to the Informer, and the other Moyety to the Poor of the Parish where said Offender shall Reside, And if any Person so Prosecuted for Harboursing concealing or Assisting a Deserter or for Buying Exchanging or Receiving Arms, Cloaths, or Accoutrements shall be found not guilty, he shall recover Treble costs to be Recovered as costs in any other case whereby the Law Costs are given to Defendants Provided That this Act & every



Clause therein contained, shall only be of Force for the time of one year from & after the Publication hereof, any thing to the Contrary hereof in this Act contained in any wise notwithstanding.

[CHAPTER 819.]

[Chapter 819 of Livingston & Smith and Van Schaack, where the title only is printed. For note in reference to the date of this law, see note to chapter 816.]

An Act for giving a Reward for Such Scalps & Prisoners of the Enemy as Shall be taken by the Inhabitants of (or Indians in alliance with) this Colony, and to prevent the Inhabitants of the City & County of Albany from Selling Rum to the Indians.

[Passed, February 27, 1745.]

WHEREAS the Cruel & Barbarous Practice of Scalping our Inhabitants has been begun & carryed on by the French & Indians in their Alliance, This Colony find Themselves under an absolute necessity in Retaliation to Pursue the same Methods and to Encourage the Six Nations of Indians to Enter Vigorously into the WAR.

BE it therefore Enacted by the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same, That upon Produceing the Scalp of Every Male of the Enemy above the age of Sixteen Years to the Commissioners of Indian affairs at Albany the Person Produceing the Same Shall as a Reward for Such Scalp be Intituled to the Sum of Ten pounds current money of this Colony, and for Every Male of the Enemy above that age taken Prisoner & produced as aforesaid the Sum of Twenty Pounds, and for the Scalp of every Male under the age of Sixteen years produced as aforesaid the Sum of Five Pounds & for Every Male of the Enemy under that age taken Prisoner & Produced as aforesaid the Sum of Ten Pounds, and the said commissioners are hereby Required to give unto Such Person or Persons who shall Produce Scalps or Prisoners as aforesaid proper Certificates thereof, in which they shall Insert the age of the Several Persons Scalped or taken Prisoners according to the best of their Judgment, which Certificates Shall be Signed by the said Commissioners or the Major part of them, and the Treasurer of this Colony is hereby directed & required upon Such Certificates being produced to him to Pay out of the moneys Lodged in his hands for that Purpose unto the

Person or Persons producing the Same the Several & respective Rewards before Mentioned and the Receipt or Receipts of the Person or Persons producing Such Certificate or Certificates Endorsed thereon Shall be to the said Treasurer a good Discharge.

AND be it further Enacted by the Same Authority that this act as far as it Relates to Rewards for Scalping & Takeing Prisoners shall be Esteemed to commence & be in Force from the Commencement of that Inhuman Practice of Scalping begun by the Enemy, lately at Saraghtoga, and the Person or Persons bringing of them in from that Time shall be Intituled to the same Reward as if they had been brought in after the Passing of this Act.

And be it further Enacted by the Same Authority, That if any Person or Persons whatsoever within the City & County of Albany, shall from & after the Publication hereof Sell or otherwise dispose of any Rum, Brandy or Spirits, wine or any other Strong Liquor to any Indian or Indians within the said City & County of Albany, to the Eastward of the Oneida Carrying Place & being thereof convicted befor the Mayor or Recorder of the said City of Albany, or before any one Justice of the Peace of the said City or County aforesaid, Shall for Every Such offence Forfeit the Sum of Ten Pounds

AND be it further Enacted by the Same Authority That any Person that is accused or Suspected of Selling any Strong Liquors as aforesaid to the Indians, the Mayor or Recorder of the City & County of Albany, or any one Justice of the Peace of the said County are hereby Impowered Required & directed to Send for the Person so accused or Suspected & Tender him the following oath. I, A. B do Swear that I have not directly or Indirectly or with my Consent or Privity sold Bartered or Exchanged any Rum, Brandy wine or any other Strong Liquor or Rum & water Brandy & Water or wine & water to any Indian or Indians or to any Person for Them, so help me God.

And if the Person Refuses to take the said Oath, He or she shall be Adjudged guilty by the said Mayor, or Recorder or Justice of the Peace as aforesaid, and fined accordingly, and if the Person takeing such OATH shall be found to have Sworn a wilfull Falsehood Such Person shall be Punished as in case of wilfull & Corrupt Perjury any Law usage or Custom to the Contrary Notwithstanding.



## [CHAPTER 820.]

[Chapter 820 of Livingston & Smith and Van Schaack, where the title only is printed. For note in reference to the date of this law, see note to chapter 816.]

An Act to Raise, Levy & Collect the Sum of Thirty Six pounds in the City and County of New York for the Services therein mentioned.

[Passed, February 27, 1746.]

WHEREAS William Roome Esq. one of the Late Representatives for the City & County of New York, having served in General Assembly one Hundred & Twenty Days Sundays Exclusive, as appears by four Certificates by him Produced, and it being reasonable that he should be paid the Usual Allowance of Representatives for the said City & County.

BE IT THEREFORE ENACTED by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That there be raised Levyed & Collected upon the Freeholders and Inhabitants of the City & County of New York the Sum of Thirty Six pounds to be paid unto the said William Roome his Executors or Administrators for his Services in the General Assembly, which Said Sum Shall be Raised Levyed & Collected in the Same manner as other Taxes are raised in the said City & County, and by the Several Collectors paid into the hands of the Chamberlain of the Said City, & by him paid unto the said William Roome, his Executors or Administrators, He delivering up his Certificates with Proper Receipts Shall be to the said Chamberlain a good Voucher & discharge for the Same.

## [CHAPTER 821.]

[Chapter 821 of Livingston & Smith and Van Schaack, where the title only is printed. For note in reference to the date of this law, see note to chapter 818. Expired February 1, 1749.]

An Act for Raising the sum of Forty five Pounds on the Township of Schonegtady for Defraying the Charge of keeping in Repair the Fortifications of the said Town.

[Passed, February 27, 1746.]

WHEREAS it is absolutely necessary to keep the Fortifications of the Town of Schonegtady in good order & Repair for the better Defence of the Inhabitants thereof.

BE it Enacted by his Excellency the Governour Council & General Assembly, and it is hereby Enacted by the Authority of the Same, That the Supervizors of the County of Albany or the Major Part of Them, upon application made to Them by Andries Bradt & Joseph Yates Junr., Shall be & hereby are Authorized and Required, To raise & Levy within the Township of Schonegtady, the Sum of Fifteen Pounds yearly for the Space of Three years, which said Sum Shall be deemed & Esteemed as a part of the charge of the said Township & shall be Raised Levyed & Colected in the Same manner as the other County Charges are, and the money so Raised Levyed & Colected as aforesaid Shall be paid into the hands of Andries Bradt & Joseph Yates Junr. or Either of Them for the Repairing the Fortifications of the said Town.

#### THE TWENTY-FOURTH ASSEMBLY.

##### *Second Session.*

(Begun Mch. 4, 1746, 19 George II, George Clinton, Governor.)

#### [CHAPTER 822.]

[Chapter 822 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 817 and chapter 823.]

An Act for a further Provision for the Fortifying the City of New York, in Amendment of Two Acts Passed for that Purpose therein Mentioned.

[Passed, May 3, 1746.]

WHEREAS by an Act Intituled an Act for raising the Sum of Three Thousand Three Hundred & Seventy five Pounds, by a Publick Lottery for this Colony, For the more Effectual Fortifying the City of New York, Passed in this Present Nineteenth Year of his Majesties reign, the Net Profits of the said Lottery are Directed & appropriated to the Fortifying the said City, and as it may so happen the said Lottery may not be Filled for want of a Sufficient Number of Adventurers, whereby the Fortifying the said city may be obstructed

BE it therefore Enacted by the Governour, the Council and General Assembly, and it is hereby Enacted by the Authority of the Same, That if the said Lottery should not be Drawn at



or before the time Limited by the said Act, or at, or before any time that may be Limited by the said Authority, the Treasurer of this Colony is in Such a case Directed & Impowered, to advance & Pay unto the Members of his Majesties Council, and to the Members of the General Assembly, Residing in the City of New York, or to the Major part of them, or to their order or the order of the Major part of them, Certified under their hands, The Sum of one Thousand Pounds, or such part thereof as he may have in Cash, out of any Publick moneys in the Treasury (Except from the Funds for the Annual Support of the Government) and their Receipt, or the Receipt of the Major part of Them (or the Receipt, or Receipts of Such Person or Persons, as Shall be appointed by them, or the Major part of Them) Shall be a Sufficient Discharge to the Treasurer for the Same, and in case the said Treasurer Shall not at Such time have in his hands, the said one Thousand Pounds the said Members of the Council & General Assembly or the Major part of them, may & are hereby Impowered to Advance Themselves, or to borrow from others. a Sum not Exceeding, one Thousand Pounds for WHICH the Persons so Advancing Shall be Allowed Lawfull Interest till Paid for the Repayment whereof the Publick faith of the Government is hereby Engaged, And the said one Thousand Pounds so paid by the Treasurer, or advanced on Interest as aforesaid, may be Employed by the said Members, or the Major part of Them, as far as it will Extend, to the Fortifying the said City in the manner, as is Directed by the said Act.

AND WHEREAS by another Act Passed this Nineteenth Year of his Majesties Reign, Intituled an Act, for Erecting & Repairing Fortifications within this colony, for Defraying the charges of Several Services for the Defence and Security of the Same, and other Purposes therein mentioned, It is Enacted that there be Allowed for & Towards Erecting, Finishing & Compleating a Battery of Sixteen Guns, upon De Brosses & Lawrys Wharfs, according to a Plan Signed by his Excellency and the Speaker, the Sum of Eight Hundred Pounds, And as a Doubt has arisen whether the said Plan can be Executed on the said Wharfs or not.

BE IT ENACTED by the Authority aforesaid, That if such Battery cannot be Erected, according to the said Plan on the Wharfs aforesaid, the said Members of the Council & of the General Assembly or the Major part of them, with, the approba-

tion of his Excellency or the Commander in Chief for the time being are hereby Impowered, to direct & cause to be Erected, Such Battery & of Such Number of Guns, as they shall See fit to answer the Purposes intended, and best Suited to the ground on the Wharfs aforesaid & Lotts of Ground lying between them not Exceeding the said Sum of Eight Hundred Pounds, any thing in the Last mentioned Act to the Contrary notwithstanding.

AND as no Provision is made in the said Act for Satisfying & making good to the Proprietors of those Lotts of Ground the Damages THEY may Sustain by the Erecting Such Battery, thereon.

BE it Enacted by the same Authority, That the said Members of the Council & General Assembly, or the Major part of them, are hereby Impowered to Direct the Treasurer of this Colony, to Pay to the Respective Owners, their Heirs Executors, or Assigns, Each their respective Loss & Damage Sustained by Erecting the said Battery, which Sums the said Treasurer is Directed & Required to Pay accordingly, out of any Publick money in his hands, Except Such as is for the annual Support of the Government, which said Damage & Loss, shall be Assessed by a Jury of Twelve Substantial Freeholders of the City of New York, which the High Sheriff of the said City and County, is Directed and Required to Summon for that Purpose.

[CHAPTER 823.]

[Chapter 823 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 817.]

[An Act to Prolong the time Limited for Drawing the Lottery appointed in & by an Act, Intituled an Act, for Raising the Sum of Three Thousand Three Hundred & Seventy five Pounds, by a Publick Lottery for this Colony, for the more Effectual Fortifying the City of New York.

{Passed, May 3, 1746.]

WHEREAS by an Act Passed the Twenty Seventh day of February last Intituled an Act for raising the Sum of Three Thousand Three Hundred & Seventy five Pounds by a Publick Lottery for this Colony, For the more Effectual Fortifying the City of New York, a Lottery is Erected & the Drawing thereof appointed to Commence on or before the first day of June next, and it being conceived that the Several matters required by the



said Act to be done & Performed antecedent to the said Drawing cannot be compleated by that Time.

BE IT ENACTED by the Governour, Council & General Assembly, and it is hereby Enacted by the Authority of the Same, That Instead of the first Day of June next, as is Directed by the aforesaid Act, The drawing of the said Lottery, Shall begin on or before the first Day of September next, and all matters whatsoever Directed by the said Act to be done & Performed by the said first day of June next, if done after the said Day, and on or before the first Day of September next, Shall be good & Valid to all Intents, constructions & Purposes whatsoever, any thing in the said Act to the contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid That in case Fifteen Thousand Tickets, should not be disposed of at the Time appointed by this Act for Drawing the said Lottery & there should remain Tickets unsold not Exceeding Four Thousand, In such case the Managers or the Major part of them, Shall cause all the Tickets of the outermost Collumns which Shall then remain undisposed of to Contributors or Adventurers to be Delivered into the hands of the Treasurer of this Colony, for the Time being, To be by him retained & kept as cash receiv'd from the said Managers to be contributed & adventured by the Publick towards the filling up of the said Lottery, at the Risque & for the Benefit of this Colony; and the same Forms & Methods Shall be observed by the Managers concerning them as is directed in & by the Act herein before Mentioned to be observed & Performed, Touching the first Two Thousand Tickets in the like case to be adventured by the Publick according to the Intention of the said Act.

#### [CHAPTER 824.]

[Chapter 824 of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act for taking Affidavits in the Several Counties within this Colony to be made use of in the Supream Court, & Impowering the Attorneys of the Supream Court, to Practice in the Mayors Court of the City of New York.

[Passed, May 3, 1746.]

FOR the greater Ease & Benefit of all Persons whatsoever In the taking Affidavits to be made use of & Read in the

Supream Court of this Colony, in all matters & causes whatsoever Depending or to be Depending in the said Supream Court, or any wise Concerning the Proceedings of or in the Same.

BE IT ENACTED by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Chief Justice & other the Justices of the said Supream Court for the Time being, or any two of them, whereof the Chief Justice for the Time being, to be one, Shall and may by one or more Commission or Commissions, under the seal of the said Supream Court, from time to time as need shall require, Impower Such and so many Persons as they shall think fit & Necessary, in all and Every the Several Counties within this Colony, to take & Receive all & Every Such Affidavitt & Affidavitts as any Person or Persons Shall be willing and desirous to make, before any of the Persons so Impowered in or Concerning any Cause, Matter or thing Depending or hereafter to be Depending or any wise Concerning any of the Proceedings to be in the said Supream Court, as Masters of Chancery in Extraordinary use to do, which said Affidavitts taken as aforesaid, shall be filed with the Proper officer of the said Court, and then be read & made use of in the said Supream Court to all Intents & Purposes as other Affidavitts taken in the said Supream Court now are; And that all & Every Affidavitt & Affidavitts taken as aforesaid Shall be of the Same force as Affidavitts taken in the said Supream Court now are, and all & Every Person & Persons for swearing him, her, or Themselves in Such Affidavitt or Affidavitts, Shall Incur & be liable unto the Same Penalties, as if Such Affidavitt or Affidavitts had been made & taken in open Court.

Provided That for the taking of Every Such Affidavitt, the Person or Persons so Impowered & taking the same, Shall for so doing. Receive only so much as was usually taken before this Act by the Chief Justice, or other Justices of the said Supream Court, as a fee or Reward for taking such Affidavitt or Affidavitts.

AND be it further Enacted by the Authority aforesaid, That all & Every the Attorneys of the Supream Court, Shall & may commence Prosecute or Defend any action or suit, for his or their Clients in the Mayors Court of the City of New York, Notwithstanding the Charter of the said City, and the Act of the



Quotas for the City and County of Albany, and all other the Counties in this Colony, The Sum of one Shilling, over and above Every Pound, out of which the Several Collectors may retain in their hands the Sum of nine Pence on each Pound for Collecting and Paying the Same to the Several County Treasurers, and the Remaining Three pence, the County Treasurers Respectively may retain in their hands, as a Reward for their Trouble and Service, in Receiving and Paying the Monies arising by this Act to the Treasurer of this Colony.

AND to the End Assessments may be made in Such convenient Time by the Assessors, That the Sum Intended to be Raised by this Act may be Collected and Paid at the Times herein after Mentioned and appointed, and that the Assessments may be Truly, Equally, and Impartially made, as of right they ought to be. Be it Enacted by the Authority aforesaid, That the Mayor, Recorder, and Aldermen of the City and County of New York, or the greater part of Them, for the Time being, Shall meet and assemble at the City Hall of the said City on the first Tuesday of June, in Every year, during the said Three Years, and then & there Issue their Warrants to the Several & respective Assessors aforesaid, to take a True & Exact Account of all the Estates Real and Personal of all the Freeholders, Inhabitants & Residents within the Several Wards of the said City & County, for which They at the Time of Issuing Such Warrants Shall be assessor or assessors, and a True, Equal & Impartial assessment to make, and the Same at a Day in the said Warrants to be Prefixed by the Mayor, Recorder & Aldermen, or the Major part of Them then met to Exhibit, and when the said assessments are by the Said assessors compleated, and a full account of the Same Truly cast up according to the Pound value of the said Estates, so that the Quota with the Allowance for the City & County of New York, be apparent & made known, then the said Mayor, Recorder, and Aldermen, or the Major part of THEM shall Issue their Warrants to the Several and Respective Collectors within the said City and County, to Collect the Quota, with the Allowance by this Act directed, and that the Same be paid unto the Treasurer of this Colony, on or before the first Tuesday of November, Yearly & every year during the said Term of Three years.

AND in order that the assessments may be truly, Equally, & Impartially made & done, Be it Enacted by the Authority

aforesaid, That Every assessor, that now is, or hereafter shall be chosen and Elected within the City & County of New York, Shall before He Enters upon the Performance of the Duty and Service required of him by this Act, take an oath upon the holy Evangelists of Almighty God, in the words following, to wit, I A. B. do swear that I will well & truly, Equally, Impartially and in due Proportion, according to the best of my Skill Knowledge & understanding Assess and Rate, all the Freeholders, Inhabitants, and Residents of the ward, for which I am chosen an assessor, which oath the said Mayor, Recorder, and Aldermen are Impowered to Administer, and the said Mayor, Recorder, and Aldermen or the Major Part of Them met, are hereby required & directed to administer the Same.

AND for the Effectual assessing Collecting and Paying the respective Quotas for the City & County of Albany, and all the other Counties in this Colony, Together with the before mentioned allowance to the Collectors & County Treasurers, Be it Enacted by the authority aforesaid, That the Supervizors of the said City & County, and of all the other respective Counties in this Colony, or the major part of Them Respectively, Shall meet, on the first Tuesday of June in every year during the said Term, where the Majority of Supervizors respectively, Shall cause the respective Quotas and allowances aforesaid of each County, to be raised, assessed, Levied, and collected in the Same manner, as the other necessary and contingent charges THEREOF are, and the Respective Collectors are hereby required & Enjoyed to pay the Respective Quotas to be Collected by them unto the respective County Treasurers, on or before the first Day of October yearly and every year during the said Term, and Each of Such County Treasurers are hereby Enjoyed and required to Pay the respective quotas of their Counties to the Treasurer of this Colony on or before the first Tuesday in November then next following, during the said Term.

AND be it Enacted by the Authority aforesaid, that Such Mayor, Recorder, Aldermen, Supervizors, Assessors, Collectors, or County Treasurer within this Colony, as Shall deny, refuse, neglect, or Delay to do Perform and Execute, all or any of the Powers, Duties and authorities, by this Act required of him or Them to be done, and Shall thereof be Lawfully convicted in any of his Majesties Courts of Record, He or they Shall Suffer



Such Pains by Fine & Imprisonment as by the Discretion of Such Court or Courts Shall be adjudged.

AND be it Enacted by the Authority aforesaid, that the monies Intended and Directed to be raised by this Act, shall by the Treasurer of this Colony for the Time being be Paid and applied to the following uses and Purposes, and to no other use or Purpose whatsoever, That is to Say,

UNTO Coll'o Phillip Schuyler & Major Edward Collins, the Sum of Four Hundred Pounds, to be applied by Them, for and towards the Building of Six good Block Houses, between the Northwest Frontier Garrison of the Colony of the Massachusetts Bay and Fort William in the Mohawks Country, in Such Proper Places as they Shall think fit, by and with the approbation of his Excellency the Governour or commander in Chief for the Time being.

UNTO the said Phillip Schuyler and Edward Collins the Sum of Three Thousand Four Hundred & Forty Nine Pounds, Five Shillings, one half thereof the first of November next & the remaining half on the first of May, one Thousand Seven Hundred & Forty Seven, For the Pay of one Hundred & Twenty Men officers Included, to be Detach'd from the City & COUNTY of Albany in case Voluntiers cannot be had to Garrison the said Six Block Houses for the Term of one year, to Commence from the day of their Entering upon that Service, at the following Rates, to wit, For one Captain Six Shillings per Diem, For one Lieutenant Four Shillings per Diem, For four Serjeants two Shillings per Diem Each, For Six Drummers one Shilling & Six pence pr Diem each and for one Hundred and Eight private Men, one Shilling & Six pence per Diem each who Shall Perform that Service.

UNTO the said Phillip Schuyler & Edward Collins, For and towards Supplying the Garrisons of the aforesaid Six Block Houses, with Provisions for the Term of one year the Sum of Seven Hundred & Forty Six Pounds Thirteen Shillings

UNTO the said Phillip Schuyler and Edward Collins, for and Towards Purchasing Six Drums for the use of the said Block Houses the Sum of Thirteen Pounds Ten Shillings.

UNTO the said Phillip Schuyler and Edward Collins for & Towards Purchasing Six Swivel Guns for the use of the said Block Houses a Sum not Exceeding the Sum of Twelve Pounds.

UNTO the said Phillip Schuyler & Edward Collins the Sum of one Thousand two Hundred & Fifteen Pounds Eleven Shil-

aforesaid, That Every assessor, that now is, or hereafter shall be chosen and Elected within the City & County of New York, Shall before He Enters upon the Performance of the Duty and Service required of him by this Act, take an oath upon the holy Evangelists of Almighty God, in the words following, to wit, I A. B. do swear that I will well & truly, Equally, Impartially and in due Proportion, according to the best of my Skill Knowledge & understanding Assess and Rate, all the Freeholders, Inhabitants, and Residents of the ward, for which I am chosen an assessor, which oath the said Mayor, Recorder, and Aldermen are Impowered to Administer, and the said Mayor, Recorder, and Aldermen or the Major Part of Them met, are hereby required & directed to administer the Same.

AND for the Effectual assessing Collecting and Paying the respective Quotas for the City & County of Albany, and all the other Counties in this Colony, Together with the before mentioned allowance to the Collectors & County Treasurers, Be it Enacted by the authority aforesaid, That the Supervizors of the said City & County, and of all the other respective Counties in this Colony, or the major part of Them Respectively, Shall meet, on the first Tuesday of June in every year during the said Term, where the Majority of Supervizors respectively, Shall cause the respective Quotas and allowances aforesaid of each County, to be raised, assessed, Levyed, and collected in the Same manner, as the other necessary and contingent charges THEREOF are, and the Respective Collectors are hereby required & Enjoyed to pay the Respective Quotas to be Collected by them unto the respective County Treasurers, on or before the first Day of October yearly and every year during the said Term, and Each of Such County Treasurers are hereby Enjoyed and required to Pay the respective quotas of their Counties to the Treasurer of this Colony on or before the first Tuesday in November then next following, during the said Term.

AND be it Enacted by the Authority aforesaid, that Such Mayor, Recorder, Aldermen, Supervizors, Assessors, Collectors, or County Treasurer within this Colony, as Shall deny, refuse, neglect, or Delay to do Perform and Execute, all or any of the Powers, Duties and authorities, by this Act required of him or Them to be done, and Shall thereof be Lawfully convicted in any of his Majesties Courts of Record, He or they Shall Suffer



vice the sum of Eighty Pounds, one half thereof, on the first Day of November next, and the remaining half on the first of May, one Thousand Seven Hundred & Forty Seven.

UNTO the said Phillip Schuyler & Edward Collins for the Pay of the Detachment of the Militia at Oswego, from the fifteenth of SEPTEMBER last to the Fifteenth of September next the Sum of one Thousand four Hundred & ninety Six Pounds Seventeen Shillings, on the first of September next, at the following rates (viz't) For one first Lieutenant five Shillings per Diem, for one Second Lieutenant four Shillings per Diem, for two Sergeants two Shillings per Diem each, and for Forty Six private Men, one Shilling & Six Pence per Diem each, Deduction being to be made for any Deficiency in that Number by death or otherwise.

UNTO the commissioners of Indian Affairs for & Towards Rebuilding the Fort at Saraghtoga, the Sum of one Hundred and Fifty Pounds.

UNTO William Johnson for Supplying the Detachment of the Militia at Oswego, with Provision, From the Fifteenth of March last, to the Fifteenth of December next, The Sum of Six Hundred & Sixty one Pounds, two Shillings, upon a Certificate from the Proper officer for that Purpose.

UNTO the said William Johnson for Supplying the Double Garrison of Regular Troops at Oswego with Provision from the Twenty third of June next, To the Twenty third of December following the Sum of Two Hundred & Twenty Eight Pounds, upon Such Certificate as aforesaid.

UNTO Joseph Yates Junior & Andreas Bradt for & towards completing the Fortifications of the Town of Schenegtady the Sum of one Hundred & ten Pounds.

UNTO the said Joseph Yates & Andreas Bradt for & towards repairing the Fort at Schenegtady the Sum of Fifteen Pounds

UNTO Cap't Peter Winne for the Hire of two Sloops for Transporting the Kings Troops from New York to Albany in December last & for Providing Sundry articles for the use of the said Troops in their Passage the Sum of one Hundred & Thirty two Pounds Seventeen Shillings & Six pence

UNTO Isaac Van Alstien Esq'r for the Hire of Forty one Waggons for conveying the aforesaid Troops with their Baggage from Kinderhook being there Stopped by the Ice in their Passage aforesaid the Sum of Forty Pounds Twelve Shillings

UNTO the said Isaac Van Alstein for his Trouble in Procuring the said Waggons the Sum of Twenty Shillings.

UNTO the Corporation of the City of Albany for the Expence & charge of Putting into proper order Three Houses in the City of Albany for the Quartering of the said Troops the Sum of Two Hundred & Three pounds Eight Shillings & Three pence.

UNTO the Said Corporation for Providing Fire wood & candles for the use of the said Troops from the Tenth day of December last, To the Twenty fourth Day of March following the Sum of Sixty Three pounds & thirteen Shillings.

UNTO Paul Richard Esq'r the Sum of Four Hundred & Thirty nine Pounds Ten Shillings & five pence, for Sundrys Purchased by him for the use of the Frontier Garrisons, Together with Eleven Pound Four Shillings the Interest thereof.

UNTO Arent Bradt Esq'r for the Expence of Sending four Six Pounders from New York to Albany the Sum of Three pounds Nineteen Shillings.

UNTO Coll'o Thomas Dekey & Thomas Gale Esq'r to be by Them distributed among the Indians living at or nigh the County of orange, who Serve as out scouts for the said county the Sum of Fifty Pounds

UNTO Coll'o Abraham Gaasbeck Chambers & John Hardenberg Jun'r Esq'r to be by Them Distributed among the Indians Living at or nigh the County of Ulster, who Serve as out scouts to the said County the Sum of Fifty Pounds.

UNTO the Church Wardens of the City of New York for the Relief of the Wives & Families of Such of the Soldiers as were sent from New York to Albany last December for the Defence of the Frontiers the Sum of Fifty Pounds

UNTO James Parker Publick Printer for his Extraordinary Service in that Station from the first of September last, To the first of September next the Sum of Twenty Pounds.

UNTO Adam Vanderberg for Carting Six Cannon Eighteen Pounders WITH their Carriages & Putting them on board a Sloop to be Sent to Albany, The Sum of Six Pounds.

UNTO Thomas Williams for the Freight of Six Cannon Eighteen Pounders with Three Hundred Balls & other necessaries from New York to Albany in november last, The Sum of Twelve Pounds.

THE Sum of Twelve Hundred Pounds, unto Such of the Members of his Majesties Council, or the Major part of Them, and Such of the Members of the General Assembly, or the Major part of Them as dwell or Reside or shall be present



in the City of New York, for the time being, or to their order, or to the order of the Major part of Them, to be applied for Repairing the Fort at New York, in Such manner as they shall Direct, with the approbation of the Governour, or Commander in Chief for the Time being, in Such & the like manner as was meant & Intended, and is hereby Declared to be meant, and Intended by the Act passed the Last Session, Intituled an act for raising the Sum of Three Thousand Three Hundred & Seventy five Pounds by a Publick Lottery for this Colony, for the more Effectual Fortifying the City of New York.

UNTO James Parker for the Services here in after Directed to be done & Performed by him the Sum of Fifteen Pounds.

UNTO Charles Carr Surgeon at Oswego for his attending an Additional number of Forces Since the augmentation of that garrison the Sum of Ten Pounds.

AND be it Enacted by the authority aforesaid that there shall be Lodged in the Treasury for the Payment of the Commissioners appointed to Treat with the Commissioners of the neighbouring Colonies, Touching the Conduct of the WAR, The Sum of one Hundred Pounds, to be paid in manner following (viz't) For Three of them for Every Day they shall attend that Service out of the Colony, The Sum of Twenty Shillings per Diem each, and for every Day they Shall attend that Service within the Colony the Sum of Ten Shillings per Diem each.

AND to the End the aforesaid Phillip Schuyler & Edward Collins may be Encouraged to do & perform the Several & respective Services by this Act required to be done and Performed by them respectively Be it Enacted by the Authority Aforesaid, That the Treasurer shall Pay unto Them, the Sum of Two pounds on Every Hundred Pounds they shall Employ by virtue of this Act, and in that Proportion for a greater or Lesser Sum as a Reward for their care & Trouble in the Several & Respective Services hereby required to be done & Performed by Them.

AND be it further Enacted by the Authority Aforesaid that the Several & Respective Sums, hereby directed to be paid, Shall be by Warrants, Signed by the Governour or Commander in Chief for the Time being, in Council, by & with their Advice & consent.

AND be it Enacted by the authority aforesaid that for answering Such Extraordinary Contingencies as may hapen for the Service of this colony, during the Space of one year from the Commencement of this act, Warrants may Issue from time to

time for the Same on the Treasurer, if drawn by the Governour with the advice and consent of the Council, which the Treasurer is hereby ordered & Directed to Pay out of the monies to be raised by this act, Provided the whole amount of Such Warrants during the said Time, do not Exceed the Sum of one Hundred Pounds, and if no part, or only Part thereof be required for Such Special Services, Either the whole or the Residue Shall remain in the Treasury.

AND be it Enacted by the Authority aforesaid that the Treasurer Shall Pay for Such Scalps & Prisoners of the Enemy as Shall be taken by the Inhabitants of (or Indians in Alliance with) this Colony upon Proper Certificates Produced to him Signed by the Commissioners of Indian Affairs at Albany, or the Major part of Them according to THE Direction of an Act Intituled an Act for giving a Reward for Such Scalps and Prisoners of the Enemy, as Shall be taken by the Inhabitants of (or Indians in Alliance with) this Colony, and to prevent the Inhabitants of the City & County of Albany from Selling Rum to the Indians, Provided the whole amount of Such Certificates exceed not the Sum of Three Hundred & Three Pounds one Shilling & nine Pence, and if no part, or only Part thereof Shall be required for that Service, Either the whole or the Residue shall remain in the Treasury to be disposed of by act or acts hereafter to be Passed for that Purpose.

AND be it Enacted by the Authority aforesaid That they the aforesaid Phillip Schuyler and Edward Collins, Shall before they receive any Part of the Monies hereby Directed to be paid unto Them, Enter into the following Recognizance to our Sovereign Lord the King, his Heirs & Successors, That is to Say, Each of them before the Mayor of the City of Albany, in the Sum of Three Thousand Pounds with two Sufficient Sureties each in half that Sum, Conditioned that They shall well and truly each for his Part Employ & apply the Monies so to be received by them as aforesaid to & for the Several & respective uses and Purposes directed by this act, and well and duly to observe do and Perform all the Directions hereby required to be observed done and Performed by them, according to the true Intent & meaning thereof which Several Recognizances are to be Delivered into the Supreme Court there to be Filed and Recorded by the said Mayor in order to be Lodged in the Treasury.



AND be it Enacted by the authority aforesaid, That if either of the before named Phillip Schuyler & Edward Collins, Shall fail in Employing and applying the money so to be Received by Them, in manner and for the respective uses directed by this act, or omit to observe do & Perform what is hereby required to be observed done and Performed by them, in Such case or cases the said Recognizances Shall be Proceeded upon in due fform of Law against Such offender or offenders, or his or their Sureties, in the Supreme Court of this Colony, wherein no Essoyn, Protection, Wager of Law or MORE than one Impar lance Shall be allowed, and the money to be recovered in consequence thereof, Shall be paid into the Treasury of the said Colony, and be applyed to and for Such uses as Shall be hereafter directed by act or acts to be Passed for that Purpose.

AND be it Enacted by the Authority aforesaid That of the Due Disposition and application of the Several Sums above mentioned the said Phillip Schuyler and Edward Collins, Shall keep Exact Books & render true and Distinct accounts thereof upon oath, to the Governour or Commander in chief for the Time being, to the Council or to the General Assembly, when by Them or ary of Them thereunto required.

AND be it Enacted by the Authority aforesaid That if Either the said Phillip Schuyler or Edward Collins, Should happen to Die remove out of this Colony, or refuse to Act according to the Several & Respective Powers and authorities hereby Directed and required, It shall and may be lawfull to and for the Governour, or commander in chief for the Time being by and with the advice and Consent of his Majesties Council to nominate and appoint some other fit Person or Persons in the Place & Stead of him or Them so dying, Removing, or Refusing to act as aforesaid, any thing herein contained to the Contrary notwithstanding, Provided that the Person or Persons who may be so appointed, Shall be obliged to Enter into the Like Recognizances, with the like Sureties as is herein Directed to be done by the aforesaid Phillip Schuyler and Edward Collins, before He or they be Intitled to receive any part of the money herein Mentioned, and in all other Respects be as Subject to observe do and Perform the Several Directions of this Act, as if he or they had been named and appointed in it.

AND WHEREAS the money herein before directed to be raised for the present Extraordinary Services and Exigencies of the Government over AND above the constant annual Sums granted for the Support thereof, if Levied within the Year, would Together be a Burden too heavy & Excessive on the Inhabitants of this Colony, or if raised within the year, cannot be Collected and Paid to the Treasurer of this Colony, So Soon as will be necessary to answer the Purposes Intended, In order therefore to make a more Effectual and Speedy Provision for all the Services aforesaid, the General Assembly Pray it may be Enacted & Be it Enacted by the Authority aforesaid, That Bills of Credit to the Value of Thirteen Thousand Pounds, be forthwith Printed made and Issued upon the Credit of the Money to be Raised & Levied by virtue of this Act That is to Say, Six Hundred and Fifty Bills of the Value of Ten Pounds each Bill, Six Hundred and Fifty Bills of the Value of Five Pounds each Bill, Six Hundred & Fifty Bills of the Value of Three Pounds each Bill, and Six Hundred and Fifty Bills of the Value of Two Pounds each Bill, Upon each and Every of which Bills, Shall be Impressed on the Left side thereof the Arms of the City of New York, and shall be in the Form following That is to Say,

By a Law of the Colony of New York, This Bill Shall Pass current for New York ye Tenth of May, one Thousand Seven Hundred & Forty Six. Which Bills shall be Signed by Major Cornelius Van Horn, Paul Richard Henry Cruger & Robert Livingston Jun'r Esq's or any Three of Them, & be numbered by one of Them, & in case of the Death of any of the said Persons, the said Bills shall be signed by the Majority of the Survivors of them.

AND be it Enacted by the authority aforesaid, That Abraham De Peyster, the present Treasurer of this Colony, in whose hands the Stamps of the Arms of the City of New York, and the other Plates are Deposited, Shall in the Presence of the Signers aforesaid, or the Major Part of Them, deliver them unto James Parker Printer, who is hereby appointed to Print the said Bills, and on Them to Impress the said arms & Plates, which when done, The said James Parker shall Redeliver to the said Treasurer, the said Stamps & Plates, in the Presence of the Signers aforesaid, or the Major part of Them, and the Receipt of The said Treasurer Shall be to the said Printer, a Sufficient Discharge for the Same, and the said Printer is hereby required and Directed



to deliver to the Signers hereby appointed to Sign the said Bills, Every Bill of Credit by him Printed, and Shall upon his Delivery of the said Bills take an oath, That the Bills of Credit by him then Delivered, are all the Bills of Credit by him Printed by virtue of this act, and that neither he the Said Printer, nor any other Person, by his consent, Privity or Procurement, has Directly, or Indirectly Printed any other or more of Them, than are there by him delivered, which oath all or any of the said Signers are and is hereby Impowered, Required, & Directed to administered.

AND be it Enacted by the authority aforesaid, That the Persons herein appointed for Signing the said Bills of Credit, Shall take an oath, before a Magistrate of the City of New York, Each of them, well and Truly to perform what by this act they are Enjoyed as their Duty, and will knowingly Sign no more Bills of Credit, than what by this act is Directed. And if it shall happen That any Supernumerary Bills, Shall be left after the said Number Shall be Delivered to the Treasurer in manner aforesaid, all Such Supernumerary Bills, Shall be Burnt and Destroyed by the said Signers in the Presence of the Treasurer of this Colony

AND be it Enacted by the authority aforesaid, that the Bills of Credit Enacted and appointed by this act, to be current, Shall be received by the Treasurer of this Colony, in all Publick Payments, and for any Fund at any Time in the Treasury, and by any Person within this Colony, in all Cases whatsoever, during the Time they are Enacted to continue, and be as Effectually Current, as any other Bills of Credit made current in this Colony, by any Act of the Governour, Council and General Assembly, and any Person or Persons refusing to take them in Payment (during the time hereby appointed for the said Bills to be current) for any Sum due or hereafter to become Due, or for any contract already made, or hereafter TO be made or for any Consideration whatsoever, for any Effects or Services already delivered, or Performed, or hereafter to be Delivered & Performed, Shall be Liable, and is and are made Liable and Subjected to all the Penalties and Forfeitures contained in any act or acts of the Governour, Council, and General Assembly of this Colony, at any Time Enacting and Enforcing the Currency of Bills of Credit, as fully to all Intents, Constructions, and Purposes whatsoever, as if the words of all, or any of the acts aforesaid Relating to the Bills of Credit, or Enacting and Enforcing the Cur-

rency of the Bills of Credit, in them mentioned, had been Particularly exprest or Transcribed & herein & hereby Enacted.

AND be it Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Shall presume to counterfeit any of the Bills of Credit made Current by this act, or shall alter any of the said Bills made current as aforesaid, So that they Shall appear to be of greater Value than by this act, the same Bill or Bills, so altered were Enacted, Signed or numbred to Pass current for, or shall knowingly pass or give in Payment any of the Bills aforesaid, so counterfeited or Altered, Every Person guilty of counterfeiting, or Altering any of the said Bills as aforesaid, or of knowingly passing or giving in Payment any such counterfeit, or altered Bills, Shall be guilty of Felony, & being thereof Convicted, Shall Suffer the pains of Death, without the Benefit of Clergy, and though Such Counterfeiting, Altering, or knowingly Passing counterfeit or Altered Bills Shall be done out of this Colony, yet any Grand Jury within the City & County of New York, is hereby Impowered to present the Same, and to Set forth in the Indictment the Place whereby their Evidence, it appeared that the Fact was committed which Indictment is hereby declared good, notwithstanding that the Place Alledged be out of this Colony, and the Petty Juries on the Tryals of Such Issues Shall be returned from the Body of the City & County of New York, any Law, usage, or Custom to the Contrary Notwithstanding.

AND be it Enacted by the Authority aforesaid That the Bills of Credit aforesaid herein and hereby directed to be made current, Shall be Sunk Cancelled & Destroyed by the Treasurer of this Colony, for the Time being, in the Presence of the Signers aforesaid, or the greater Number of Them, that shall be then alive, on the Days & times hereafter mentioned, that is to Say, so many of the Said Bills of Credit as Shall amount to the Sum of Four Thousand Three Hundred & Thirty three Pounds, Six Shillings & Eight Pence, being one Third part of the Value of all the Bills of credit made Current by this Act, or so much thereof as Shall be then in his hands, on or before the first Tuesday of January next, So many of the said Bills as Shall amount to the Sum of Four Thousand Three Hundred & Thirty three Pounds Six Shillings & Eight Pence aforesaid, being one other third Part of the Value of the said Bills made Current by this Act, or So much thereof as shall



be then in his hands on or before the first Tuesday of January which will be in the year of our Lord one Thousand, Seven Hundred & Forty Seven, and all the remaining Bills amounting to the Value of Four Thousand, Three Hundred and Thirty Three Pounds Six Shillings & Eight Pence, being the other & last third part of the said Bills, Shall be Sunk cancelled & Destroyed, or so much thereof as Shall be then in his hands, on or before the first Tuesday of January, which will be in the year of our Lord, one Thousand Seven Hundred & Forty Eight, and the said Treasurer is hereby Directed and required, to Endeavour to Procure, by Exchanging for other Publick Money, the full Sum of the Said Bills of Credit, at or before the Respective Times appointed for cancelling & Destroying the Same.

AND WHEREAS it may so happen that Some of the said Bills may after the said first Tuesday of January which will be in the year of our Lord one Thousand Seven Hundred & Forty Eight, be and remain in the hands of private Persons, so that they cannot conveniently, be brought to the Treasurer of this Colony, in order to be Destroyed on the said first Tuesday of January which will be in the Year of our Lord, one Thousand Seven Hundred and Forty Eight, BE it therefore Enacted by the authority aforesaid, That any Person or Persons who Shall on the said first Tuesday of January, or on or before the first Tuesday of July which will be in the year of our Lord one Thousand Seven Hundred & Forty nine, bring & deliver to the Treasurer of this Colony for the Time being, any Bill or Bills made current by this Act, Every Person so bringing & Delivering any Such Bill or Bills, Shall by the said Treasurer be paid the full Value of Them, out of the Funds, or Publick money in his hands, at the Time of bringing & Delivering Such Bill or Bills, which said Bill or Bills so brought in & Delivered to the Treasurer, Shall be by him, in the Presence of the Signers aforesaid, Sunk, Cancelled & Destroyed on or before the Second Tuesday of July, which will be in the year of our Lord one Thousand Seven Hundred & Forty nine, after which Day the said Treasurer is not to Exchange any of the Bills made current by this act, nor take Them in Payment Longer, than till the first Tuesday of January which will be in the year of our Lord, one Thousand Seven Hundred and Forty Eight

AND that it may be truly known what number and Value of Bills are sunk Cancelled and Destroyed, at any Time or Times

mentioned in this Act, for Sinking cancelling and Destroying the said Bills, Be it Enacted by the Authority aforesaid, That the Treasurer of this Colony, at every of the respective Times herein Mentioned, Shall keep a True & perfect Account, of all Such Bills by him received and Destroyed which Account, he shall render upon oath, if thereunto Required by the Governour or Commander in chief for the Time being, the Council and General Assembly, or by any of Them.

AND BE IT ENACTED by the authority aforesaid, That the said Treasurer shall keep Exact and True Books and accounts, of all the Receipts and Payments to be made by him, by virtue of this Act, Distinguishing therein, the Several and Respective uses and Services ACCORDING to the True Intent and meaning of this Act, and that He shall render Accounts thereof upon oath to the Governour or Commander in chief for the Time being, The Council or the General Assembly when by them or any of them thereunto Required.

[CHAPTER 826.]

[Chapter 826 of Livingston & Smith and Van Schaack, where the title only is printed. Continued by chapter 835.]

An Act for the Establishing a Military  
Watch for the City & County of Albany.

[Passed, May 3, 1746.]

WHEREAS the City & County of Albany being a Frontier is Daily Liable to be Surprized by the French & Indians in that Interest & as nothing can more Effectually prevent any Such Surprize then having a good Military Guard.

BE IT THEREFORE Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the same That from & after the Publication of this act, The Colonel of the Regiment for the City & County of Albany, and in his absence the next Field officer, is hereby Impowered required & directed, upon any Invasion Insurrection or any other absolute necessity to command Such a Detachment of the Militia Regiment or Independent companies of Militia, as he shall think Proper to be made For the Watching, Guarding & Defending any part or parts of the City or County of Albany.

AND be it further Enacted by the authority aforesaid, That that part of the said Militia Regiment, or Independent com-



panies of Militia, that shall be ordered out of the County to keep watch or Guard in the City of Albany or Town of Schenectady, Shall be Provided, with meat, Drink & Lodging by the Inhabitants of the said City or Town, at the cost & charge of the said Inhabitants, during the Time of their being Posted there, and Shall be Billeted in Such manner as Shall be Directed by the Mayor, Recorder & Aldermen of the said City and the Justices of the Peace in the Township of Schenectady, and Every Person refusing to receive any Person so billeted, by the Mayor, Recorder & Aldermen of the said City, or the Justices of the said Township, Shall for every Such Refusal Forfeit the Sum of Twenty Shillings, Current money of this Colony, to be Levied by warrant under the hand & Seal of the Mayor or Recorder, or any two Aldermen of the said City, or any two Justices of the Peace in the Township of Schenectady, and in case of the Non Payment of Such Fine, then it Shall be Levied by Distress & Sale of the offenders Goods Together with all the Cost & charges arising by such Warrant & Distress & Sale of the goods for Recovering the fine aforesaid.

AND be it further Enacted by the Same Authority, That every officer who being ordered by his commanding officer to repair with his Men and arms to the Place directed for him to Watch, Shall refuse Delay or neglect to attend at the Time & place required, Shall for every such Delay, Neglect or Refusal, Forfeit the Sum of Twenty Pounds Current money of this Colony, to be recovered by warrant under the hand & Seal of his Commanding officer, and every Private Soldier that Shall refuse, Delay or neglect to attend, at the Time and place Directed for him to Watch, when Commanded by the Captain, or his other Superior officer, Shall for Every Such Delay Neglect or Refusal, Forfeit the Sum of Five Pounds Current money aforesaid. To be recovered by warrant under the hand and Seal of the said Captain, or other his Superiour officer Directed to the Serjeant or Corporal, and in case of non Payment of Such Fines Incurred by Them for Such Neglect, It shall be Levied, by Distress & Sale of the offenders goods, and in case no goods or Chattels can be found belonging to the offender or offenders, They shall be committed to the Common Goal there to remain without Bail or mainprize for the Space of three months

AND be it further Enacted by the Same Authority, That all Persons able to bear Arms, living within the City & County of Albany, (Ministers of the Gosple, Doctors of Physick, Surgeons, Persons Employed in Furnaces for making Iron, and one Miller to each Grist Mill house only Excepted) Shall upon warning be obliged to Serve upon the Military Watch, or Send a fitt man in his room, on Penalty of Six Shillings, for every Default or Neglect, to be recovered from Every Such Defaulter or Defaulters & upon Non Payment thereof to be Levied by Distress upon his or their Goods & Chattels, by warrant under the hand & Seal of the officer of the Guard Directed to the Serjeant or Corporal, and if no goods & chattels are to be found, then the offender to be committed to the common Goal, thereto remain without Bail or mainprize for the Space of Ten Days, a proper warning Shall be Deemed a Verbal message left at the House or Lodging of the Person warned, and every Commission officer Shall be Obligated to mount Guard in their Proper Persons under the Penalty of TWENTY Shillings for each neglect to be Levied by Distress upon his or their goods and chattels, by Warrant under the hand & seal of the Colonel or any one of the Field officers, and if the Neglect or Delay be in the City, then the Fine to be Levied by Warrant under the hand & Seal of the Colonel or next commanding officer, or under the hand and Seal of the Town Major for the Time being, to be Directed to the Clerk of the Regiment

PROVIDED always and be it further Enacted, that nothing in this Act contained Shall Exempt the Inhabitants of the City of Albany or Town of Schenectady from being Liable to the Same Fines & Forfeitures on their Refusal to keep watch when thereunto required out of the said City or Town as the rest of the Inhabitants of the County are made Liable to by this Act.

AND be it further Enacted by the Same authority to prevent any Danger to the City of Albany from the great Number of Gates belonging to the Same, the Field officers of the City & County of Albany with the Town Major, or the Major part of Them, are hereby Directed & Required to Stop up so many of the Gates as They Shall think Proper for the Defence of the said City.

AND be it further Enacted by the Same Authority, That if it Should so happen that the Captain of the Guard, or any



Inferior Commission officer, Should not mount the Guard, in that case the Serjeant or Corporal is hereby Invested with the Same Powers and authorities as the Captain or other Inferior Commission officer would have, if they were present, and Shall be Liable to the Same Fines & Forfeitures on his Neglect or Refusal, and his Warrant to make Distress on the offenders Goods for not appearing when thereunto required, Shall be as good & valid as the Captains or other Inferior Commission officers, any thing in this Act, or any other TO the Contrary notwithstanding.

AND be it further Enacted by the same Authority That every Person who shall neglect or refuse to appear under arms at the Time & Place ordered on Such Watch or Guard, or on the Parade if ordered & During Such appearance, Shall refuse, or neglect to Perform Such Military Duty as Shall be Required from him, or shall depart from his Colours or Guard without leave from his Commanding officer shall if the offender be an officer, Forfeit the Sum of Thirty Shillings and on Non Payment thereof, the Same Shall be recovered as is hereinbefore directed, and if Such offender be a Private Soldier, he shall Forfeit the Sum of Fifteen Shillings, and on non payment thereof shall be Committed by Warrant from the officer present to the County Goal till the said Fifteen Shillings be paid and the Prison Fees.

AND WHEREAS it is Expedient that a head Gunner & Proper number of Matrosses Should Exercise the Cannon in the County of Albany whereby they as well as others may by Seeing Such Exercise be Enabled to make a proper use of them whenever there shall be occasion. Be it Enacted by the Authority aforesaid, That such head Gunner and Matrosses, when appointed by the Colonel of the Regiment of said County with the approbation of the Governour or Commander in Chief for the time being Shall not be obliged to watch & ward, and shall be exempted from serving as Constable or Surveyors of the high ways or upon Juries or Inquest, any usage or Law or any thing in this act to the contrary notwithstanding.

AND be it Enacted by the Same Authority, that in case of an Alarm or an Invasion, Every Soldier upon Notice thereof is Immediately to repair armed to his Colours or Parade on Penalty of Fifty Pounds which Parade Shall be understood to be the Habitation of his respective captain unless it shall be

otherwise ordered and appointed, and the Collonel or in his absence the next Field officer Shall be & hereby is Impowered & Directed to command the whole or any part of the Regiment Independant Companies of Militia, or Troops of HORSE to march to Such part or parts of the County as he shall deem necessary or according to Such orders as he Shall receive from the Captain General or commander in Chief for the Time being, to Repell the said Invasion, or Secure any part of the County, and every officer refusing or neglecting to obey such orders as he shall receive from the Collonel or next commanding officer Shall Forfeit for Every Such Refusal or neglect the Sum of one Hundred Pounds Current money of this Colony, and every Soldier that shall Disobey his officer in the Execution of the orders aforesaid, Shall for every Such Disobedience Forfeit Fifty pounds of like money to be recovered by Warrant from the Collonel or next commanding officer, from each officer & from Each Soldier or Inferior officer, by Warrant from their respective Captains, or next commanding officer, which Several Fines of one Hundred Pounds & Fifty pounds upon Non Payment Shall be Levied by Distress & Sale of the offenders Goods & Chattels, and if none to be found they shall be committed to the County Goal, there to remain without Bail or mainprize for the Space of one whole year.

AND be it further Enacted, That on all other Sudden Emergencies as well as in case of Alarms, which may require part of the Militia to be under arms, the officer or officers where Such Emergency may happen, Shall & hereby is & are fully Impowered & Directed to call his or their Companies Immediately to Arms, and not only to march them to the Place or Places, where their Service is most required, but also to Imploy Them in keeping a Military Watch, and in the mean time to give the Speediest Intelligence thereof to his Collonel or next Commanding officer, and upon receiving of his Directions, he shall Pursue them in Such manner, as he shall order & require, and every officer not Performing what is hereby Enjoyed, Shall for every Such offence Forfeit the Sum of one Hundred Pounds, and every Private Soldier for each neglect the Sum of Fifty pounds To be recovered by Distress & Sale of the offenders goods, & if no goods to be found they shall be committed to the County Goal there to remain without Bail or mainprize for the Space of one whole year.



AND be it further Enacted by the Same Authority, That all the Fines and Forfeitures in this Act mentioned, shall be applied for & towards Purchasing arms & ammunitions for the Regiment & Independant Companies of the said county.

AND be it Enacted by the same Authority, That the Sheriff of the said City & County is hereby Impowered & required to receive the Bodies of all such offenders against this Act, as Shall be brought to him by virtue of a Warrant or Warrants under the hand & Seal of Such officer as aforesaid, & him or them to keep in Safe Custody, until Such Fines mentioned in the said Warrants Together with the Prison Fees shall be paid, and it is hereby declared, that the Sheriff shall in Such cases aforesaid be Intituled to the Same Fees as are allowed in all other Cases,

AND be it further Enacted by the Same Authority That if any Person or Persons Shall be sued, Molested, or Impleaded for any matter or thing Lawfully done & commanded in the Execution & Performance of this Act, He or they may Plead the General Issue & give this act in Evidence, and if the Plaintiff Discontinue his Action be non Suited, or a Verdict pass against him, The Defendant shall recover Treble costs, nor shall any such Suit or Suits be admitted or allowed to be brought unless it be done within Three months next after the offence be committed Provided always and be it further Enacted that nothing in this act contained Shall be Intended or construed to Derogate from or in any wise Lessen or diminish the Powers Lodged or Invested in the Captain General or Commander in chief for the Time being, by his Majesties Letters Patent commission, or other Power whatsoever, any thing in this Act contained to the contrary thereof in any wise notwithstanding.

AND be it further Enacted by the Authority aforesaid, that the Act for the Establishing a Military Watch for the City and County of Albany passed in the Nineteenth year of his present Majesties Reign is hereby Repealed and made Void, and every Clause, Article and thing therein contained, to all Intents Constructions and Purposes whatsoever, and the act for Regulating the Militia of this Colony, so far as it relates to Alarms, Invasions, Military Guards or Watching in the City and County of Albany, is hereby Repealed and made void to all Intents constructions AND Purposes whatsoever.

AND be it further Enacted, That this Act Shall be of Force from the Publication hereof to the first day of December next.

## THE TWENTY-FOURTH ASSEMBLY.

*Third Session.*

(Begun June 3, 1746, 20 George II, George Clinton, Governor.)

## [CHAPTER 827.]

[Chapter 827 of Livingston & Smith and Van Schaack, where the title is printed. Expired September 1, 1746.]

An Act to prevent the Exportation of Provisions Gunpowder, Arms all kinds of Ammunition Warlike Stores and White pine Inch Boards.

[Passed, June 17, 1746.]

BE IT ENACTED By his Excellency the Governour, The Council and General Assembly That no person or persons shall from and after the publication hereof Export Out of this Colony, directly or indirectly by Land or Water any Gunpowder Arms or any kind of Ammunition or Warlike Stores or White pine Inch Boards or any of the following provisions, to wit, Beef, pork, Ship Bread or Cornell Indian corn or pease before the First day of September now next Ensuing under the penalty of the Forfeiture of all and every the Gunpowder, Arms Ammunition, Warlike Stores, Boards and provisions before specified or of the Value thereof respectively which shall be shipt for Transportation during the Time aforesaid, (Excepting as hereinafter Excepted) together with the Vessel and her Apparel and Furniture to be recovered in any Court of Record within this Colony, on the Oath of one or more credible Witness or Witnesses, Wherein no Essoin, protection or Wager of Law, or any more than one Impar lance shall be allowed.

And be it further Enacted By the Authority aforesaid that Every Master of any Ship or Vessel that shall take or suffer to be taken or laden on Board any Gunpowder Arms or any Sort of Ammunition or other Warlike Stores, White pine Inch Boards or any the kinds of provisions herein specified (Except as hereinafter excepted) in order for Exportation He or they so offending shall forfeit the Sum of Six pence for every pound of Beef and pork; For every hundred Weight of Ship Bread and for every Bushel of Indian corn or peas twenty shillings to be recovered as aforesaid.



Provided Nevertheless that nothing in this Act shall extend or be Construed to Extend to prohibit the Exportation of any kind of provision to the Island of Cape Breton, or Vessells laden with provisions for supplying his Majestys Fleets or the Trading Vessells or privateers sailing from this Port accomodating themselves with a sufficiency thereof for their Voyage giving an account thereof upon Oath to the Governour or Commander in Chief for the Time being, Nor is this Act intended, nor shall it be Construed to Extend to prohibit private Ships of War the providing themselves with a sufficient Quantity of Gunpowder Arms Ammunition and other Warlike Stores for the Annoyance of his Majesty's Enemy's.

AND BE IT FURTHER ENACTED That the Fines and Forfeitures that shall be incurred by any Offence committed against this Act shall when Recovered be paid and applied as followeth (to Witt) One half thereof to the Informer who shall prosecute for the same and the other half to the Treasurer of this Colony to be applied towards defraying the charge of the present Expedition.

#### [CHAPTER 828.]

[Chapter 828 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 827.]

AN ACT for the more Effectual Preventing the Exportation of Provisions and Warlike Stores.

[Passed, July 15, 1740.]

WHEREAS by an Act Intituled an Act, to prevent the Exportation of Provisions, Gun Powder, Arms, all kinds of Ammunition, Warlike Stores, and white pine Inch Boards, it is provided that nothing therein, Should Extend to Prohibit the Exportation of any kind of Provisions to the Island of Cape Breton, or the Vessels Laden with Provisions for Supplying his Majesties Fleets, and whereas disputes may arise by reason of the Same.

BE IT ENACTED by his Excellency the Governour, the Council, and the General Assembly, and tis hereby Enacted by the authority of the Same, That all such Provisions shall be deemed Prohibited, to be Exported by the said Act and Subject to the penaltys and Forfeitures therein unless the Exporter or Exporters before the Lading of the same, Shall make oath before the Collector or his Deputy or controlor or Naval officer of

the Ports of New York, (who are hereby Empowered to administer the Same) That the said Provisions by him, her, or Them, Intended to be Laden on board (naming the Vessel and the Master) are bone fide Intended for Cape Breton, or to be Shipped by order and on account of Supplying His Majesties Fleets or Forces & on no other account whatsoever.

AND BE IT FURTHER ENACTED by the same Authority, that during the Continuance of the said Act, Every Master before he Shall have his Clearance, Shall make oath truly to answer to Such Questions, as Shall be ministred to him, by one or more of the said officers, Touching any Provisions Prohibited by the said Act, Laden on board the Vessell whereof he is master, upon Pain to Forfeit for not Truly advertising or answering as aforesaid the sum of one Hundred and Fifty Pounds.

And be it Enacted that the Oath required by the said Act to be taken before his Excellency the Governour may be taken before any one of the Officers of his Majesty's Customs before mentioned Who are hereby fully authorized and impowered to administer the same

AND be it further Enacted by the Authority aforesaid That the Land and Tide waiter for the Colony duty's is hereby Enjoyed & required to give DUE and Strict attendance in order to Prevent the Exportation of the said Prohibited goods, and the said officer on Failure of his Duty herein; Shall not only be Disabled to hold or Enjoy the said office, but shall also Forfeit for Every Such offence the Sum of Thirty Pounds.

AND it is also Enacted by the Authority aforesaid, That the Several Penalties hereby Laid, Shall be recovered & applied in the manner directed for the Penalties in the said Act.

#### [CHAPTER 829.]

[Chapter 829 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act to revive and continue the Several Actions pleadings processes and proceedings which were Commenced & depending in the late Inferiour Court of Common Pleas for Westchester County.

[Passed, July 15, 1746.]

WHEREAS by Stress of Weather and other unavoidable accidents it so happened that the late Inferiour Court of Com-



mon Pleas in & for the County of Westchester was not opened and held on the Fourth Tuesday in the month of May last past Pursuant to the ordnance Establishing the same Court and the last adjournment thereof, by means whereof the Several Actions, Pleas, Causes, Process & Proceedings depending therein & Returnable thereunto, became and are discontinued, to the great Delay & hindrance of the Publick Justice as well as disappointment and Damage o<sup>f</sup> his Majesties good Subjects concerned therein.

WHEREFORE in order to Redress the Inconveniencies arising thereby and as much as may be to give relief in the Premises. BE IT ENACTED by the Governour the Council and the General Assembly, and it is hereby Enacted by authority of the same, That all Pleadings, Writts, Precepts, Processes, Suites and controversies which were hanging & Depending in and returnable unto the said Court on the said Fourth Tuesday in May last, Shall & are hereby declared to be Revived & continued as fully and Effectually as if the said Court had been duly and regularly opened and adjourned by Writt of Common Adjournment of our Lord the King, and the Several Writts and Precepts, which have been Issued out of the said Court since the last Adjournment & Returnable on the said Fourth Tuesday in May last, Shall be kept by the Sheriff and other officers to whom the Execution thereof did belong, until the next Court of Common Pleas which shall be Established and held, in and for the said County, and then make Return thereof to the said Court, who are hereby fully Impowered, directed and Authorized to take cognizance thereof & proceed thereupon in the same manner as if the said Pleadings Writts Precepts, Processes, Suites and controversies, had been duly and regularly Commenced in or Adjourned over to the said Court, and all AND every Person and Persons interested or concerned therein are hereby fully authorized and Permitted to proceed in and carry on the same in the same manner as They might have done, had the same been Regularly carryed on and continued in the Court in which they were originally commenced or began, so that there shall not be any Failure of Justice in the Premises or advantage taken by reason or means of the said Courts not being held on the said fourth Tuesday in May last any thing to the contrary hereof in any wise notwithstanding.

AND it is further Enacted that the Several Persons Commissioned and Impowered to open and hold the said Court of Com-

mon Pleas on the said fourth Tuesday in May last for the reasons contained in the Preamble of this Bill are hereby Excused and Released of and from all Neglects contempts or omissions therein or relating thereunto.

[CHAPTER 830.]

[Chapter 830 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for the fixing & determining the Drawing of the Publick Lottery for this Colony, on or before the first of September next.

[Passed, July 15, 1746.]

WHEREAS by an Act Intituled an Act, to Prolong the time Limited for drawing the Lottery appointed, in & by an Act, Intituled an Act for raising the Sum of Three Thousand Three Hundred & Seventy five Pounds by a Publick Lottery for this Colony, For the more Effectual Fortifying the City of New York, the drawing of the said Lottery is further continued and Limited to the first of September next, Provided that the Tickets then remaining unsold should not Exceed Four Thousand.

BE IT ENACTED by the Governour, the Council & the General Assembly, and tis hereby Enacted by Authority of the Same, That although the Number of Tickets unsold should Exceed Four Thousand on the first of September next, the said Drawing shall then notwithstanding begin and be carried on in the manner directed by the Last recited Act, and all the Tickets then remaining unsold, Shall be for, and on the account and Risque of the Colony, to be disposed of in manner & Form as is directed in respect to the above mentioned four Thousand Tickets, any thing in the above Recited Acts to the contrary notwithstanding.

AND WHEREAS by the last Recited Act, the Fifteen per Cent to be Deducted from the Fortunate Tickets, is to be applied to and for the more Effectual, Fortifying the City of New York, the charges of Management being first Deducted, and whereas no cash is or will be Deposited in the hands of the Managers for the Tickets which shall remain unsold, and to be for the account & Risque of the colony, The said Managers may Possibly not be Enabled to Pay the said Fifteen per Cent into the hands of the Treasurer of this Colony, as is directed, and to be



applied as aforesaid, & may Possibly not be Enabled for want of a Sufficient Sum in cash, to make Payment for all the Fortunate Tickets.

Be it Enacted by the Authority aforesaid, THAT then & in Such case the Treasurer of this Colony is Impowered and directed to advance & Pay out of any Publick moneys in the Treasury Except Such as is for the Annual Support of the Government, the Charges of Management being first Deducted, the whole or any Part that shall be Deficient of the said Fifteen per Cent, unto Such of the Members of the Council and of the General Assembly, as is directed by the said last mentioned Act. And unto the Managers of the said Lottery Such Sum as may be Deficient, to pay the whole number of Fortunate Tickets.

#### [CHAPTER 831.]

[Chapter 831 of Livingston & Smith and Van Schaack, where the title only is printed.]

• An Act for the Encouraging of Volunteers to Enlist into his Majesties Service upon the Expedition against Canada.

[Passed, July 15, 1746.]

HIS most gracious Majesty out of his tender regard & Paternal care for his Northern Colony's having been Pleased to Set on foot an Expedition for the Reduction of Canada, That his Majesties Subjects in these Parts may be freed from their Cruel Enemy's the French of Canada, and the Savages under their Influence, and thereby put an Effectual checque to their Insults & Barbarities, In order therefore That this Colony may answer the Royal Intentions in this behalf, and Exert Themselves in the part his Majesty expects they should bear in this important Service.

BE IT ENACTED by his Excellency the Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That as an Encouragement for such able bodied Effective Men, as will Voluntarily Enlist Themselves into his Majesties Service upon the present Expedition against Canada, there shall be Paid as a Bounty, the Sum of Six Pounds New York currency, to every Person Enlisting upon the first Muster of the Company, into which he shall be En-

listed, and the further Sum of Two pounds, like money and a Blanket, shall be given & paid to every such Person at the Place of Rendezvous after such Muster.

AND to the End that the musters may be duly & regularly made and no deceit or Fraud practiced there in. Be it Enacted by the authority aforesaid, That the musters in the Cities of New York & Albany, shall be before the Mayor & any two Aldermen of the said cities, and the Musters that shall be made in any of the Counties in this Colony, shall be before one of the Judges of the Inferior Court of common Pleas & two Justices of the Peace in the said Counties, which Magistrates upon any Musters being made before Them, shall Strictly EXAMINE whether all the Men there Produced in order to be Musterd are able Bodied Men, and whether They are Really & truly Enlisted under the captain Producing Them to go upon the Expedition against Canada and finding them upon such Examination to be able Bodied Men & that They are really & truly Enlisted under such Captain to go upon the said Expedition, They shall give the said Captain a Certificate thereof; upon which Certificates being Produced to the Treasurer of this Colony, He shall out of such moneys as shall be Lodged in his hands for that Purpose pay unto the said Captain, the Sum of Six pounds, for every able bodied Man, who shall be so Musterd & certifyd as aforesaid, to be by him paid unto each of the said Men, and in case any Captain Shall Produce any Certificate of a greater Number of Able bodied Men, than are really & truly muster'd by him as aforesaid, or that any Magistrate shall sign any such false certificate, They shall respectively Forfeit the Sum of one Hundred Pounds, one half thereof to be to his Majesty, his Heirs & Successors towards carrying on the Expedition against Canada, The other half to any Person, who will sue for the same, in any court of Record within this Colony, wherein no Essoyn, Protection, Wager of Law, or any more than one Imparilance shall be allowed.

AND be it further Enacted by the Authority aforesaid, that when the officers with their Men, shall be at the Place of General Rendezvous, every Captain shall give unto each one of his Men then under his command who did Voluntarily Enlist into his Majesties Service a Certificate thereof; upon producing of which certificate unto Dirck Tenbrook and John I. Kuyler, they shall & hereby are required & directed, out of the Monies



& Blankets, which shall be Lodged in their hands for that Purpose, to Pay & deliver unto each man producing such Certificate the sum of Forty shillings & one Good Blanket, and in case any PERSON shall counterfeit or forge any such Certificate he shall Forfeit the sum of Six Pounds, to be recovered & applied in manner aforesaid

AND that none of his Majesties Subjects that are Inclined to Serve their King & Country upon so Laudable an occasion, should be Impeded or Debarred from Entering, Voluntarily into his Majesties Service, Be it further Enacted by the Authority aforesaid, That no Person whatsoever, who is Listed, or shall List & enter himself as a Volunteer in his Majesties Service, as a Soldier to Serve on the Expedition against Canada, shall during the Expedition, be Liable to be taken out of his Majesties said Service, by any Process, or Execution whatsoever, other than for some criminal matter, unless for a Debt, or other Just cause of Action, and unless before the Taking out of such Process or Execution (not being for a Criminal matter) The Plaintiff or Plaintiffs therein or Some other Person or Persons on his or their behalf shall make affidavit before one or more Judge or Judges of the Court of Record, or other Court out of which such Process or Execution shall Issue, or before some Person authorized to take affidavits in such Courts, That to his or their knowledge the original sum Justly due & owing to the Plaintiff or Plaintiffs from the Defendant or Defendants in the Action or cause of Action, on which such Process shall Issue, or the original Debt for which such Execution shall be Issued out amounts to the value of Twenty Pounds, current money of New York over & above all Costs of Suit in the same Action, or in any other Action, on which the same has been or shall be grounded, a memorandum of which oath, shall be marked on the Back of such Process or Writt, for which memorandum or oath, no fee shall be taken; And if any Person shall nevertheless be arrested contrary to the Intent of this Act, It shall & may be Lawfull for one or more Judge or Judges of such Court, upon complaint made thereof by the Party himself, or by any of his superior officers to EXAMINE into the Same by the oath of the Parties or otherwise, and by Warrant under his or their hands & Seals to discharge such Soldier so arrested or Detained contrary to the Intent of this Act, without paying any fee or fees, upon due proof made before him or them that

such Soldier so arrested or Detained was Legally Listed as a Soldier in his Majesties Service & arrested & detained contrary to the Intent of this Act.

AND be it further Enacted by the Authority aforesaid, That no Person or Persons whatsoever, who have or shall Voluntarily Enlist into his Majesties Service upon the present Expedition, shall be Liable to be Impressed or Detached upon any future Service for the Term of two years, after the said Expedition shall be Ended.

AND be it further Enacted by the Authority aforesaid, That any Person or Persons Who are willing to List & shall accordingly List into his Majesties Service as aforesaid who are now detained in Goal upon Execution, or any Process in any Civil action, wherein the original cause of Action did not amount to the Sum of Twenty Pounds, Shall upon Producing a Certificate of such his or their Enlistment, to any Judge or Judges of the Court from whence such Process Issued be thereupon discharged from Imprisonment without Paying Fees.

PROVIDED nevertheless that such Discharge shall not be Decmed an Extinguishment of any such Debt, but that any Plaintiff or Plaintiffs may be at Liberty to proceed to Judgment & Execution against the Goods of any such Defendant; and also against their Person or Persons Six months after he or They shall be Discharged from his Majesties Service.

#### [CHAPTER 832.]

[Chapter 832 of Livingston & Smith where nearly the entire act is printed. Chapter 832 of Van Schaack where the title only is printed. Made noneffective by chapter 845. See chapter 1194.]

An Act for raising a Supply of Forty Thousand Pounds by a Tax on Estates Real & Personal, for carrying on an Expedition against the French in Canađa, For Emitting bills of Credit for the Like Sum, and for Sinking & Cancelling the Said Bills in short Periods, and for other Purposes therein Mentioned.

[Passed, July 15, 1746.]

FOR as much as his most Excellent Majesty has been graciously pleased to order an Expedition against the French Settlements in Canada, and his Majesties Pleasure being Signified by his Grace the Duke of New Castle to his Excellency, To



recommend it to the Council & Assembly of New York, to Provide a Sufficient quantity of Provisions for the Subsistence of the Troops, this his Loyal Colony of New York being willing rather to Exceed than fall short in Supplies on this Important occasion.

BE IT ENACTED by his Excellency the Governour, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same That there shall be given & granted unto his Majesty his Heirs and Successors, to and for the uses & Purposes herein mentioned, and to no other use or Purpose whatsoever, The sum of Forty Thousand Pounds, which shall be assessed, raised and Levyed, upon the Estates Real & Personal of all & Every the Freeholders, Inhabitants & Residents within this Colony, and shall be Collected & Paid in manner following, That is to Say, The Sum of Five Thousand Pounds, on or before the first Tuesday of November, which will be in the year of our Lord, one Thousand Seven Hundred and Forty nine, The like Sum of Five Thousand Pounds, on or before the first Tuesday of November, which will be in the year of our Lord, one Thousand Seven Hundred & Fifty, The like sum of Five Thousand Pounds, on or before the first Tuesday of November, which will be in the year of our Lord, one Thousand, Seven Hundred & Fifty one, The like sum of Five Thousand Pounds, on or before the first Tuesday of November, which will be in the year of our Lord, one Thousand Seven Hundred & Fifty Two; The like Sum of Five Thousand Pounds, on or before the first Tuesday of November, which will be in the year of our Lord, one Thousand Seven Hundred & Fifty Three, The like Sum of Five Thousand Pounds ON or before the first Tuesday of November which will be in the year of our Lord, one Thousand Seven Hundred & Fifty four, The like Sum of Five Thousand Pounds, on or before the first Tuesday of November, which will be in the Year of our Lord, one Thousand, Seven Hundred & Fifty Five, and the like Sum of Five Thousand Pounds, on or before the first Tuesday of November, which will be in the year of our Lord, one Thousand Seven Hundred & Fifty Six, Which said Sum of Five Thousand Pounds hereby appointed to be annually Paid, on the Days & times before mentioned, Shall be yearly raised, Levyed & paid by the Freeholders, Inhabitants & Residents, in the Several & respective Cities & Counties within this colony, during the Eight years above men-

ed, according to the Quotas & Proportions following, That  
o Say, IN the City & County of New York, the Sum of one  
ousand Six Hundred and Sixty Six Pounds, Thirteen Shillings  
our Pence, yearly and Every year during the said Eight  
s, In the city & county of Albany, The Sum of Seven Hun-  
& Fourteen Pounds, Five Shillings & Eight pence half  
y Yearly & every Year during the said Term. In Kings  
ty the sum of Two Hundred & ninety Four Pounds, Two  
llings & four pence farthing, yearly & every year during the  
Term, IN Queens County, the Sum of Five Hundred &  
y one Pounds, Seven Shillings & Two pence farthing, yearly  
very year during the said Term, IN Suffolk County the Sum  
ive Hundred Pounds, yearly & every year during the said  
n, In Richmond County the Sum of one Hundred & Fifty  
Pounds, Five Shillings, Yearly & every year during the  
Term, IN Westchester County the Sum of Two Hundred &  
nty Seven Pounds, Fifteen Shillings & Seven Pence, Yearly  
very year, during the said Term, IN Ulster County, The sum  
our Hundred & Fifty four Pounds, Ten Shillings & Ten  
e, yearly & every year during the said Term, IN Dutchess  
ty, the Sum of Two Hundred & Eight Pounds, Six Shillings  
ight pence, Yearly & every year, during the said Term, and  
range County, the Sum, of one Hundred & Sixty Six Pounds  
teen Shillings & four Pence, yearly & every year during the  
Term.

ND to the End the full sum intended to be raised by this  
may be Effective and Compleat. Be it Enacted by the  
hority aforesaid, That over & above the Several Quotas  
re mentioned, shall be raised, Assessed, Levyed & Collected  
respective Sums following, That is to Say, On the Quota for  
City & county of New York, The sum of nine pence, over  
bove Every Pound, To be retained in the hands of the Several  
ectors, as a Reward for their Trouble in collecting & Paying  
same to the Treasurer of this Colony, and on the Quotas  
the City & County of Albany, and all other the Counties in  
Colony, The sum of one Shilling over and above every  
nd, out of which the Several Collectors, may retain in their  
ds, the sum of nine pence on each Pound, for collecting &  
ing the same to the Several county Treasurers, and the re-  
ning Three pence, the county Treasurers respectively may  
in in their hands, as a Reward for their Trouble & Service,



in Receiving and Paying the Monies arising by this Act to the Treasurer of this Colony.

AND to the End assessments may be made in such convenient Time by the Assessors, That the Sums Intended to be raised by this act may be Collected and paid at the Times herein after mentioned & appointed, and that the Assessments may be truly, Equally & Impartially made as of Right they ought to be, Be it Enacted by the Authority aforesaid, That the Mayor, Recorder, & Aldermen of the City & County of New York, or the greater part of Them for the time being, Shall meet & assemble, at the City Hall of the said City, on the first Tuesday in June, in every year during the said Eight years, and then & there Issue their Warrants to the Several and respective Assessors aforesaid, to take a True and exact account of all the Estates real & Personal of all the Freeholders, Inhabitants & Residents within the Several Wards of the said City & County, for which they at the Time of Issuing such Warrants shall be assessor or assessors, and a true equal & Impartial assessment to make, and the same at a Day in the said Warrants to be Prefixed by the Mayor, Recorder & Aldermen, or the Major part of Them THEN met to Exhibit, and when the said Assessments are by the said Assessors compleated, and a full Account of the same truly cast up according to the Pound Value of the said Estates, so that the Quota with the Allowance for the City & County of New York be apparent & made known; then the said Mayor, Recorder, & Aldemen, or the major Part of Them shall Issue their Warrants to the several & Respective Collectors within the said City and County, to Collect the Quota with the Allowance by this Act directed, and that the same be paid unto the Treasurer of this Colony, on or before the first Tuesday in November, yearly & every year During the said Term of eight years.

AND in order that the assessments may be truly, equally and Impartially made & done, be it Enacted by the Authority aforesaid That every Assessor that shall be chosen & Elected within the City & County of New York, during the Term aforesaid, shall before he Enters upon the Performance of the Duty & Service required of him by this act, take an oath upon the holy Evangelists of Almighty God, in the words following to wit, I, A. B. do swear That I will well & truly, equally & Impartially, & in due Proportion according to the best of my Skill, Knowl-

edge and understanding, Assess & rate all the Freeholders, Inhabitants & Residents of the Ward for which I am chosen Assessor, which oath the said Mayor, Recorder & Aldermen, or the major part of Them so met, are hereby Impowered, Required & Directed to administer.

AND for the Effectual assessing, collecting & paying the respective Quotas for the City & County of Albany, and all the other counties in this Colony, Together with the before mentioned Allowance to the Collectors and county Treasurers, Be it Enacted by the Authority aforesaid, That the Supervizors of the said City & County, and of all the other respective Counties in this Colony, or the major part of them, respectively, shall meet on the first Tuesday in June in every year, during the said Term, where the Majority of Supervizors Respectively then met, shall cause the Respective Quotas & Allowances aforesaid of EACH County to be raised, assessed, Levyed & collected in the same manner as the other necessary & contingent charges thereof are, and the Respective collectors are hereby required & Enjoyned to pay the respective Quotas to be collected by them, unto the respective county Treasurers, on or before the first Day of October Yearly & every year, during the said Term, & each of such county Treasurers are hereby Enjoyned & required to pay the respective Quotas of their counties to the Treasurer of this Colony, on or before the first Tuesday in November then next following during the said Term.

AND be it Enacted by the Authority aforesaid, That such Mayor, Recorder, Aldermen, Supervizors, Assessors, Collectors, or County Treasurer within this Colony, as shall deny, refuse, neglect, or delay to do, Perform & Execute, all or any of the Powers, Duties & authorities by this Act required of him or them to be done, and shall be thereof Lawfully convicted in any of his Majesties courts of Record, He or they shall Suffer such Pains by Fine & Imprisonment, as by the Discretion of such Court or Courts shall be adjudged.

AND be it Enacted by the authority aforesaid, That the moneys to be raised by this act, shall by the Treasurer of this Colony for the time being, be paid and applyed to the following uses and Purposes, and to no other use or Purpose whatsoever. That is to Say, Unto Major Cornelius Van Horn, and Captain Paul Richard for the Immediate Purchasing of Five Hundred & Seventy Five Barrels of Pork, Three Hundred & Thirty Seven



Barrels of Beef, one Hundred & Eighty Thousand weight of Brown Biscuit, Six Thousand Gallons of rum one Thousand Four Hundred & Six Bushells of Indian Corn, one Thousand four Hundred & Six Bushells of Pease, Twenty Thousand, Weight of Bacon, and Twenty four Barrels of Rice for the Victualling the Forces that are or shall be raised in this Colony for the said Expedition the Sum of Six Thousand Pounds.

UNTO the said Cornelius Van Horn & Paul Richard for Purchasing Blankets for the use of the Forces raised in this Colony, to go upon the Said Expedition THE Sum of one Thousand Two Hundred Pounds, which Blankets shall be Sent unto Derick Ten brook & John J. Cuyler at Albany, to be by Them distributed among such of the said Forces as shall appear at the Place of Rendezvous, upon a certificate from the Several Captains under whose command they may be according to the Directions of an Act, Intituled an Act for the Encouraging of Voluntiers to Enlist into his Majesties Service upon the Expedition against Canada, and not otherwise.

UNTO the said Cornelius Van Horn & Paul Richard for Defraying the Expense of Transporting the said Provisions & Blankets to the Place of Rendezvous, the Sum of Two Hundred Pounds which Blankets and Provisions shall be Sent, by an order from the Governour or Commander in chief for the Time being.

AND UNTO the said Cornelius Van Horn and Paul Richard the Sum of one Thousand Eight Hundred Pounds for Purchasing an Additional Quantity of Gun Powder, for the use and Defence of this Colony, To be Stored in the Powder House, and Magazine under the Like Regulations, with the Powder Lodged in the said Magazine, by an Act, Intituled an Act for repairing & Compleating the Fortifications of this Colony, for Defraying the Charges of the Several Services therein Mentioned, for the use & Security of the said Colony, and for Building a new House proper for the Residence of Governours thereof, for the time being, Passed in the Seventeenth year of His present Majesties reign, and the receipt of the said Cornelius Van Horn & Paul Richard, for the Several Sums before mentioned, shall be to the said Treasurer a good Voucher and Discharge for the same.

AND to the End the aforesaid Cornelius Van Horn & Paul Richard may be Encouraged to do & Perform the Several and respective Services by this Act required to be done & Per-

formed by Them respectively, Be it Enacted by the Authority aforesaid, That THE Treasurer Shall Pay unto them, the Sum of Two pounds Ten Shillings, on Every Hundred Pounds they shall Employ by virute of this Act, and in that Proportion for a greater or Lesser Sum as a Reward for their care & Trouble in the Several & respective Services hereby required to be done & Performed by Them.

AND be it Enacted by the Authority aforesaid, that they the aforesaid Cornelius Van Horn & Paul Richard, before they receive any Part of the monies hereby directed to be paid unto them, shall enter into the following Recognizances, to our Sovereign Lord the King his Heirs & Successors, that is to Say, Each of them before one of the Judges of the Supreme Court of this Colony, in the Sum of Three Thousand, Nine Hundred Pounds, with two Sufficient Sureties each in half that Sum, conditioned, that they shall well and truely Each for his part, Employ & apply the monies so to be received by them as aforesaid, to and for the Several & respective Uses and Purposes directed by this Act, and well & duly to observe doe & Perform all the Directions hereby required to be Observed done & Performed by them according to the true Intent & meaning thereof, which Several Recognizances are to be Delivered into the Supreme Court, there to be Filed and recorded, in order to be Lodged in the Treasury.

AND be it Enacted by the authority aforesaid That If either of the before named Cornelius Van Horn or Paul Richard, shall fail in Employing & applying the money, so to be received by them in manner and for the respective uses directed by this Act, or omit to observe do & Perform what is hereby required to be Observed done & performed by Them, in such case, or cases, the said Recognizances, Shall be Proceeded upon in due Form of Law, against such offender, or offenders, or his or their Sureties in the Supreme Court of this Colony, wherein no Essoyn Protection, wager of Law, or more than one Imparlance shall be ALLOWED, and the money to be recovered in consequence thereof, shall be paid into the Treasury of the said Colony, and be applyed to and for such Uses, as shall be hereafter directed by Act or Acts to be Passed for that Purpose.

AND be it Enacted by the Authority aforesaid that of the Due Disposition & application of the Several Sums above mentioned, the said Cornelius Van Horn and Paul Richard, shall



keep Exact Books, and render True and Distinct accounts thereof upon oath, to the Governour or Commander in Chief, for the Time being, to the Council or to the General Assembly, when by them or any of Them thereunto required.

AND be it Enacted by the authority aforesaid, That if either the said Cornelius Van Horn or Paul Richard should happen to Die, remove out of this Colony, or refuse to act, according to the Several and respective Powers & authorities hereby directed and required, It shall and may be Lawfull to and for the Governour, or commander in chief, for the Time being, by and with the advice and consent of his Majesties council, To nominate & appoint some other fit Person or Persons, in the Place and stead, of him or Them, so dying, Removeing, or Refusing to act as aforesaid, any thing herein contained to the contrary notwithstanding, PROVIDED that the Person or Persons who may be so appointed, shall be obliged to Enter into the like Recognizances, with the like Sureties, as is herein directed to be done, by the said Cornelius Van Horn and Paul Richard, before He or They be Intituled to receive any part of the money herein mentioned, and in all other Respects, be as Subject to observe do and Perform the Several directions of this Act, as if he or they had been named & appointed in it

AND be it further Enacted by the Authority aforesaid That Mr. Derick Ten Brook and Mr. John J. Cuyler are hereby appointed commissioners at Albany, for the receiving & taking Care of the Provisions and other Necessaries for the Forces raised in this Colony, and for the Delivery thereof to the Several Captains of the Companies for the use of the Men RESPECTIVELY under their Command, and of the due Disposition thereof they shall keep & render true & Distinct accounts upon oath to the Governour, or Commander in chief for the Time being, the Council or the General Assembly, when by them or any of them thereunto required, For which and all other Services required of them to be done & Performed by this Act, they shall have a reasonable Allowance.

AND be it further Enacted by the Authority aforesaid, that if by any accident whatsoever, it should so happen, That the Forces Levyed in this Colony, should not Proceed upon the Intended Expedition against Canada, then, and in that case, the said Cornelius Van Horn and Paul Richard & in case of the Death, of both, or Either of Them, Such other Person or Persons

as Shall be appointed in his or their Stead, Shall be and hereby are Impowered, Required & Directed to Sell on account and for the Benefit of this Colony, all the Provisions and Blankets, which Either they, or any others by their Direction, Shall have Purchased for the use of the said Forces, and a true & Exact Account thereof upon oath shall render, unto the Governour, or Commander in Chief for the time being the Council, or the General Assembly, when by them, or any of Them thereunto required.

BE it Enacted by the Authority aforesaid that the Treasurer out of the moneys to be Levied by virtue of this Act, shall Pay unto his Excellency the Sum of one Hundred & Fifty Pounds, for the Expence of his Voyage to Albany to meet the Six Nations of Indians there.

TO his said Excellecy for the monies by him Advanced and Expended in obtaining an Engineer, and for other Services for the benefit of the Colony, as appears by Mr Guerins Letter, and Mr. Sharps accounts, the Sum of Sixty nine Pounds Nine Shillings & Eight pence in Discharge of said Accounts of Thirty four pounds Fourteen Shillings & Ten pence Sterling

Unto Mr. Derick Ten Brook and Mr. John J. Cuyler The sum of Two Thousand Four Hundred pounds, to be by them Employed & apply'd in Paying the additional Bounty, of Forty Shillings to every able bodied Voluntier raised in this Colony to go upon the Expedition against Canada, who shall appear at the Place of General Rendezvous, which said Bounty shall be paid unto Each of them, upon a Certificate from the Several Captains, under whose Command they may be according to the Directions of an Act, Intituled an Act, For the Encouraging of Voluntiers to Enlist into his Majesties Service upon the Expedition against Canada, and of the due disposition & application of the said Sum, The said Derick Ten Brook and John J Cuyler, shall render true & distinct accounts upon oath, to the Governour or Commander in Chief, for the Time being, the Council, or the General Assembly when by them, or any of them thereunto required.

TO James Parker for Printing the Bills of Credit directed to be made, Struck and Issued by this Act the Sum of Twenty five Pounds.

TO Richard Van Dyck for Engraveing Plates for the said bills the sum of Six pounds which Plates the said Vandike is



hereby directed to Deliver into the hands of the Treasurer of this colony.

AND unto Major Cornelius Van Horn Cap't Paul Richard, Mr. Abraham Lynsing and Mr. Isaac De Peyster, the sum of Sixty Pounds as a reward for their Service, in signing & numbering the said Bills, and the Receipts of the Several Persons for the Several Sums above mentioned, Shall be to the said Treasurer a good Voucher & discharge for the same.

AND be it further Enacted by the Authority aforesaid, that the Treasurer of this Colony, out of the monies to be Levied by this act, shall pay unto Each Captain, who shall be comm'ssionated to command a company, on the Expedition against Canada, for Every ABLE Bodied man who shall be Enlisted and Mustered by him according to the Directions of an Act Intituled an Act for the Encouraging of Voluntiers to Enlist into his Majesties Service upon the Expedition against Canada, the Sum of Six pounds, upon his Producing a Certificate of such Muster, signed by the Magistrates before whom the same may be taken, and the Receipt of the said Captain, for so much, as shall be so paid to him, shall be to the said Treasurer a good Voucher and Discharge for the same.

AND be it further Enacted by the Authority aforesaid that when the Treasurer shall have paid, all the Several Sums by this Act directed to be paid, All the Residue of the money, to be Levied by this Act, shall remain in the Treasury, to be Disposed of by Act or Acts hereafter to be Passed for that Purpose, and not otherwise; Always Excepting the moneys which the Treasurer is directed to Advance, in case the Managers of the Public Lottery, shall not have Sufficient in cash to make Payment, for the Fortunate Tickets, and for the Fifteen per Cent (charges Deducted) For Fortifying the City of New York in the manner Provided in an Act, Intituled an Act, for Fixing & Determining the Drawing the Publick Lottery of this Colony, on or before the first of September next.

AND as the Difficulties wherein the General Assembly find Themselves Involved, in the want of Ways and means for a Supply to the Intended Expedition, the Colonys Funds Anticipated & Intirely Exhausted, and a heavy Load of Taxes for the Defence of its Frontiers yet unpaid, have constrained them, but with the greatest Regret, To have recourse to a further Paper Emission for this most heavy and Extraordinary Supply.

They do therefore pray it may be Enacted, AND BE IT ENACTED by the Authority aforesaid, That Bills of Credit to the value of Forty Thousand POUNDS be forthwith Printed, made and Issued upon the Credit of the money to be raised & Levied by virtue of this Act, That is to say.

Eighteen Hundred & Sixty one bills of the value of Ten pounds each.

Eighteen Hundred & Sixty bills of the value of Five pounds each.

Eighteen Hundred & Sixty bills of the value of Three pounds each.

Eighteen Hundred & Sixty bills of the value of Two pounds each.

Eighteen Hundred & Sixty bills of the value of one pounds each &

Eighteen Hundred & Sixty bills of the value of Ten shillings each.

AND upon each & Every of which bills shall be Impress'd on the right side thereof, the Arms of the City of New York, and under the Arms in different Characters these words, its death to Counterfeit this Bill, which bills shall be in the form following, that is to Say.

BY a Law of the Colony of New York, This bill shall pass current for New York the Twenty first of July, 1746. Which Bills shall be Signed by Mr. Cornelius Van Horn, Mr. Paul Richard Mr Abraham Lynsen and Mr. Isaac De Peyster, or any Three of Them, and be numbered by one of Them, And in case of the Death of any of the said Persons, the said Bills shall be signed by the Majority of the Survivors of Them.

AND be it Enacted by the Authority aforesaid, that Abraham De Peyster, the present Treasurer of this Colony, in whose hands the Stamps of the Arms of the City of New York, and the other Plates are Deposited, shall in the Presence of the signers aforesaid, or the Major part of Them, deliver unto James Parker Printer, who is hereby appointed to Print the said Bills, and on them to Impress the said arms & Plates, which when done, the said James Parker shall Redeliver to the said Treasurer, the said Stamps & Plates, in the Presence of the signers aforesaid or the major part of Them and the Receipt of the said Treasurer, shall be to the said Printer a



SUFFICIENT discharge for the same, and the said Printer is hereby required & directed to Deliver to the signers hereby appointed to sign the said Bills, every Bill of credit by him Printed, and shall upon his Delivery of the said Bills, take an Oath, that the Bills of Credit by him then Delivered, are all the Bills of Credit by him printed by virtue of this Act, and that neither he the said Printer nor any other Person by his consent Privy or Procurement, has directly or Indirectly, Printed any other or more of Them, than are there by him Delivered, which oath all or any of the said Signers are hereby Impowered Required & Directed to Administer.

AND be it Enacted by the Authority aforesaid, that the Persons herein appointed to Sign the said Bills of Credit, shall take an oath before a Magistrate of the City of New York, Each of Them, well & truly to Perform, what by this Act, they are Enjoyed as their Duty, and will knowingly sign no more Bills of Credit, than what by this Act is directed, and if it shall happen That any Supernumerary Bills shall be left, after the said number shall be delivered to the Treasurer, in manner aforesaid, all such Supernumerary Bills, shall be burnt & Destroyed by the said signers in the Presence of the Treasurer of this Colony.

AND be it Enacted by the Authority aforesaid, that the Bills of credit, Enacted & appointed by this Act to be current, shall be received by the Treasurer of this Colony in all Publick Payments, and for any fund at any Time in the Treasury, and by any Person within this Colony in all cases whatsoever, during the time they are Enacted to continue, and be as Effectually current, as any other Bills of Credit made current in this Colony, by any Act of the Governour Council & General Assembly and any Person or Persons refusing to take Them in Payment (During the Time hereby appointed for the said bills to be Current) For any Sum DUE or hereafter to become Due, or for any Contract already made or hereafter to be made, for any consideration whatsoever, For any Effects or Services already Delivered or Performed, or hereafter to be Delivered or Performed, shall be Lyable and is & are made Lyable and Subjected to all the Penalties and Forfeitures contained in any Act or Acts of the Governour, Council & General Assembly of this Colony, at any time Enacting and Enforcing the Currency of Bills of Credit, as fully to all Intents Constructions & Purposes whatsoever, as if the words of all or any of the Acts

aforesaid, relating to the Bills of Credit, or Enacting and Enforcing the currency of the Bills of credit in them mentioned had been particularly Expressed or Transcribed, and herein & hereby Enacted.

AND be it Enacted by the Authority aforesaid That if any Person or Persons whatsoever, shall Presume to Counterfeit any of the bills of Credit made current by this Act, or shall alter any of the said Bills made current as aforesaid so that They shall appear to be of greater Value than by this Act, the same bill or bills so altered were Enacted, signed, or numbred to pass current For, or shall knowingly Pass, or give in Payment any of the Bills aforesaid so counterfeited, or Altered, Every Person guilty of counterfeiting, or altering any of the said Bills as aforesaid, or of knowingly passing or giving in Payment any such Counterfeit or Altered Bills, shall be guilty of Felony, and being thereof convicted shall Suffer the Pains of Death, without the Benefit of Clergy, and though such counterfeiting, Altering or knowingly Passing counterfeit or Altered Bills shall be done out of this Colony, yet any Grand Jury within the City & County of New York, is hereby Impowered to present the same, & to Set forth in the Indictment the Place whereby, their Evidence it appeared that the Fact was committed, which Indictment is hereby declared good, notwithstanding that the Place alledged be out of this Colony, and the Petty Jury's on the Tryals of all Such Issues, shall be returned from the Body of the City and County of New York, any Law, usage or Custom to the contrary notwithstanding.

AND be it further Enacted by the Authority Aforesaid That the Treasurer of this colony, shall be and hereby is required & directed upon no account whatsoever to Issue or give in Payment any of the Bills of Credit made Current by this Act, any otherwise than as hereby directed, or as shall be Directed by act or acts hereafter to be passed for that Purpose.

AND be it Enacted by the Authority aforesaid, That the Bills of credit aforesaid, herein & hereby directed to be made current, shall be sunk, Cancelled, and Destroyed by the Treasurer of this Colony for the Time being, in the Presence of the signers aforesaid or the greater number of Them, that shall be then alive, on the Days & times hereafter mentioned, That is to Say, So many of the said Bills of Credit as shall amount to the Sum of Five Thousand Pounds, being one Eighth part of the



Value of all the Bills of Credit made current by this Act, or so much thereof, as shall be then in his hands, on or before the first Tuesday of January, which will be in the year of our Lord, one Thousand Seven Hundred & Forty nine, so many of the said Bills as shall amount to the Sum of Five Thousand Pounds being one other Eighth part of the value of the said Bills of Credit made Current by this Act, or so much thereof, as shall be then in his hands, on or before the first Tuesday of January, which will be in the Year, one Thousand Seven Hundred & Fifty, so many of the said Bills as shall amount to the Sum of Five Thousand Pounds, being one other Eighth part of the value of the said Bills of Credit made current by this Act, or so much thereof as shall be then in his Hands, on or before the first Tuesday of January, which will be in the year of our Lord, one Thousand Seven Hundred & Fifty one, So many of the said Bills as Shall amount to the sum of Five Thousand Pounds, being one other Eighth part of the Value of the said Bills of Credit made current by this Act, or so much thereof as SHALL be then in his hands, on or before the first Tuesday of January which will be in the year of our Lord, one Thousand Seven Hundred and Fifty two, So many of the said bills as Shall amount to the Sum of Five Thousand Pounds, being one other Eighth part of the Value of the said Bills of Credit, made current by this Act, or so much thereof, as shall be then in his hands, on or before the first Tuesday of January, which will be in the year of our Lord one Thousand Seven Hundred & Fifty Three, So many of the said bills as shall Amount to the Sum of Five Thousand Pounds being one other Eighth part of the value of the said bills of Credit, made current by this Act, or so much thereof, as shall be then in his hands on or before the first Tuesday of January, which will be in the year of our Lord, one Thousand Seven Hundred & Fifty four, So many of the said Bills as Shall amount to the sum of Five Thousand Pounds, being one other Eighth part of the said bills of Credit made current by this Act, or so much thereof as shall be then in his hands, on or before the first Tuesday of January which will be in the year of our Lord one Thousand Seven Hundred and Fifty five, and all the remaining Bills amounting to the Value of Five Thousand Pounds, being the other and Last Eighth part of the said Bills of Credit made Current by this Act, or so much thereof as Shall be then in his hands, Shall be Sunk Can-

celled and Destroyed on or before the first Tuesday of January which will be in the year of our Lord, one Thousand Seven Hundred & Fifty Six, And the said Treasurer is hereby directed & required to Endeavour to Procure by Exchanging for other Publick money The full Sum of the said Bills of Credit, at or before the respective Times appointed for Cancelling and Destroying the same

AND WHEREAS it may so happen that some of the SAID Bills may after the said first Tuesday of January which will be in the year of our Lord, one Thousand Seven Hundred & Fifty Six, be and remain in the hands of Private Persons, so that They cannot conveniently be brought, to the Treasurer of this Colony, in order to be Destroyed on the said first Tuesday of January which will be in the year of our Lord one Thousand Seven Hundred & Fifty Six. BE it therefore Enacted by the authority aforesaid, That any Person or Persons, who shall on the said first Tuesday of January, or on or before the first Tuesday of July which will be in the Year of our Lord, one Thousand Seven Hundred & Fifty Seven, bring & deliver to the Treasurer of this Colony for the Time being, any Bill or Bills made Current by this Act, Every Person so bringing & Delivering any such Bill or Bills, shall by the said Treasurer be paid the full Value of Them, out of the Funds, or Publick money in his hands, at the time of bringing & Delivering such Bill or Bills, which said Bill or Bills, so brought in & delivered to the Treasurer, shall be by him in the presence of the signers aforesaid, sunk, Cancelled & destroyed, on or before the Second Tuesday of July, which will be in the Year of our Lord, one Thousand Seven Hundred and Fifty Seven, after which Day the said Treasurer is not to Exchange any of the Bills made Current by this Act, nor take Them in Payment, Longer than til the first Tuesday of January which will be in the Year of our Lord, one Thousand Seven Hundred & Fifty Six.

AND that it may be Truly known what number and Value of Bills are sunk, Cancelled and Destroyed at any time or times mentioned in this Act for Sinking, cancelling & Destroying the said Bills, BE it Enacted by the Authority aforesaid THAT the Treasurer of this colony at Every of the respective Times herein mentioned, shall keep a True & perfect account of all such Bills by him Received & Destroyed, which account he



shall render upon oath, unto the Governour, or Commander in chief for the Time being, the Council, or General Assembly, when by Them or any of them thereunto required.

AND WHEREAS by one Act Intituled an Act for raising a Supply of Thirteen Thousand Pounds, by a Tax on Estates real & Personal, for the more Effectual, Fortifying this colony; for the Emitting Bills of Credit for the like Sum for the Immediate answering the Necessary Services, and for the Sinking & Cancelling the said Bills at the Several Short Periods therein Mentioned, The Sum of Four Hundred Pounds, was granted & Directed to be applied, for the Erecting Six good block Houses upon the Northern Frontier of this Colony, The sum of Three Thousand Four Hundred & Forty Nine Pounds, five Shillings, For the Pay of one Hundred & Twenty Men, officers Included to Garrison the said Six Block Houses, and the Sum of Seven Hundred & Forty Six Pounds Thirteen Shillings, for Supplying the said Garrison, with Provisions, and whereas it has been found, Impracticable to build the said Six Block Houses according to the Direction of the said Act.

BE it further Enacted by the Authority aforesaid That the Treasurer out of the aforesaid Sums of Money, shall Pay unto Colonel Philip Schuyler & Major Edward Collins the Sum of Three Thousand, Three Hundred & Sixty two Pounds Nine Shillings to be by Them apply'd for the Pay of Four Hundred & Sixty nine Effective Men, Officers Included now Posted, or ordered to be Posted on the Frontiers for the Defence thereof, for a Term not Exceeding THREE Months, to commence from the Day of their Entering upon that Service, at the following rates (viz't) For four Captains Six Shillings per Diem Each, for Seven Lieutenants, Four Shillings per diem each, and for Four Hundred and Fifty Eight Private Men, one Shilling and Six Pence per Diem each, Deduction being to be made for any Deficiency in that Number by Death or otherwise.

TO the Said Philip Schuyler and Edward Collins for Supplying the Aforesaid Forces with Provisions, during the said Term, the Sum of Seven Hundred & Sixteen Pounds fourteen Shillings, and the receipt of the said Philip Schuyler & Edward Collins, for the said Sums, Shall be to the Treasurer a good Voucher & discharge for the same, and of the due Disposition and Application of the said Sums, they Shall keep & render

true and exact Accounts upon oath, unto the Governour or Commander in Chief, for the time being, the Council or the General Assembly, when by them, or any, of them thereunto required.

AND be it Enacted by the Authority aforesaid, That the said Treasurer, shall keep exact & true Books and accounts of all the Receipts & Payments to be made by him, by virtue of this Act, distinguishing therein, the several and respective Uses and Services, according to the true Intent and meaning of this Act, And that he shall render accounts thereof upon oath to the Governour or Commander in Chief for the Time being, the Council and General Assembly, when by them or any of them thereunto required.

AND be it further Enacted by the Authority aforesaid THAT for whatsoever Prisoners or Scalps of the Enemy, which may be taken by the Inhabitants of (or Indians in Alliance with) this Colony, during the continuance of the Expedition against Canada, the Captors thereof, Shall not be Intituled to the Reward given in & by one Act, Intituled an Act for giving a Reward, for such Scalps & Prisoners of the Enemy, as shall be taken by the Inhabitants of (or Indians in Alliance with) this Colony; and to prevent the Inhabitants of the City and County of Albany, from Selling Rum to the Indians, passed in the nineteenth year of his Majesties reign, any thing in the said act to the Contrary notwithstanding.

[CHAPTER 833.]

[Chapter 833 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for impressing Ship Carpenters House Carpenters Joiners Sawyers and their Servants and all others Artificers and Labourers for the Building of Battoes And also for impressing Horses Waggons and all other things necessary for the Carrying on the Expedition against Canada with the utmost Dispatch.

[Passed, July 15, 1746.]

WHEREAS His Majesty's Service upon this important Occasion requires the utmost Dispatch in providing every thing necessary for the carrying on the Expedition, against Canada.



BE IT THEREFORE ENACTED by his Excellency the Governour the Council and the General Assembly And it is hereby Enacted by the Authority of the same. That it shall and may be lawfull for any person or persons thereto appointed and empowered by His Excellency the Governour or the Commander in Chief of this Colony for the time being by Warrant under his Sign manual and Seal at Arms issued by and with the advice of his Majesty's Council to impress any Ship Carpenters House Carpenters Joiners Sawyers and their or any of their Servants into his Majesty's Service upon the present Occasion Boards and all other materials necessary for the Building and making Battoes Scows or any other things relating thereto or any other Artificers Labourers or Workmen Horses Waggons Carriages and drivers which the Governour or Commander in chief for the time being by and with the advice and Consent of the Council Shall Judge it necessary and Expedient to be employed in and about this important Service paying the usual Rates for the same And every person & persons neglecting or refusing upon such impress to be aiding and Assisting in the premises according to his Capacity and Ability shall Suffer one months imprisonment without Bail or mainprize.

AND WHEREAS it may so happen That some person or persons that may be so impressed as aforesaid may have bound themselves in some Contract or Contracts Agreement or Agreements for the due performance of the Service Specified in such Contract or contracts Agreement or Agreements by a particular day or time therein respectively limited And as it is highly Becoming Reasonable and Expedient that a Service of the greatest Importance to His Majestys Dominions in General and to the common Interest and advantage of his Northren Colonys in particular should Supercede all matters and Business of private Consideration. BE IT THEREFORE FURTHER ENACTED by the Authority aforesaid that every such Contract and Contracts Agreement and Agreements as against any person or persons who shall be impressed in pursuance of this Act, is and are hereby declared to be and shall be deemed Suspended during the time the person or persons that hath or have so Contracted and agreed shall Continue to be employed in the Service into which he shall be so impressed And so much time as the person or persons that has or have so Contracted for any Work whatsoever and shall be so impressed shall be added to such

Contract or Contracts Respectively by way of Enlargement of the Term or Terms therein Specified and limited which Contract and Contracts with such Term so enlarged and added thereunto shall be adjudged deemed and taken to be as Valid and effectual to all intents Constructions and purposes whatsoever as if the Day to which such Term or Terms may be thus enlarged has been Originally mentioned in such Contract or Contracts respectively.

PROVDED ALWAYS And Be it Enacted by the Authority aforesaid That no Ship Carpenter House Carpenter, Joiner, Sawyer or their Servants, or any other Artificer or Labourer whatsoever living in the City and County of New York County of Richmond, County of West Chester Or in any of the Counties on Nassau Island Shall be liable to be impressed for any of the aforesaid Services Other than Such as are to be done and performed in the City and County of New York or in any of the aforesaid Counties to which the said Several Artificers may belong Anything in this Act Contained to the Contrary Notwithstanding.

[CHAPTER 834.]

[Chapter 834 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act to Detach Three Hundred Men from the City & County of Albany to Serve on the Intended Expedition to Canada.

[Passed, July 15, 1746.]

WHEREAS the Inhabitants of the City & County of Albany do not Inlist with that Alacrity, That might be Expected from Persons so nearly Interested in the Reduction of Canada.

BE it therefore Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the same, that Three Compleat Companies of one Hundred Men Each, shall be Detach'd out of the City & County of Albany, on or before the first Day of August next to be ready to march on the Expedition against Canada when Brigadier General Gooch, or the Commander of that Expedition Shall order & direct.

AND for the more Effectual Detaching of the said Three Hundred Men, be it Enacted by the Authority aforesaid, That the Colonel of the Regiment of the said City and County, or in



his Absence the next Commanding officer is hereby required & Commanded Immediately after the Publication of this Act, to Issue out their Warrants to the respective Captains, or other Commission officers both of Horse & Foot throughout the County, who are hereby Directed to obey the Same, Requiring Them to Issue their Warrants to their Serjeants or Corporals, To warn all their male Inhabitants, Residents and Sojourners in each Place within the City & County aforesaid from Sixteen to Sixty years of age, within their Several Districts to appear at Such certain time & place as the respective Captain, or other officer shall appoint, which said Captain or Commanding officer are hereby required to take an Exact List of all & every of the names of the appearers, and the Person or Persons so refusing or neglecting to make his appearance as aforesaid, shall Forfeit AND pay to the respective officer the Sum of Twenty Pounds current money of this Colony, to be Employ'd & Paid Equally among Such Person or Persons that shall voluntarily go out of the City and County of Albany on the said Expedition, To be Levied by warrant under the hand & Seal of the Captain or Commanding officer of the said Company or Troop, by which the said Defaulters were properly Summon'd or Inlisted, Directed to any corporal or Serjeant of the Company or Troop, who is hereby Required to Execute & Levy the said Forfeiture, on the goods & Chattels of all & Every such offender & offenders, and in case such Serjeant or Serjeants Corporal or Corporals shall neglect or Refuse to Execute the said Warrant, He or they shall Forfeit respectively for Each offence, the Sum of Thirty Pounds current money aforesaid, to be Levied & Employed as aforesaid, and where no Effects of the Person or Persons refusing or neglecting to appear as aforesaid can be found, He or they shall Suffer Twelve months Imprisonment There to remain without Bail or mainprize unless he or they shall pay or Satisfie the Forfeiture abovesaid.

AND be it further Enacted by the Authority Aforesaid that for the more Equal Detaching the Men to go on the said Expedition, The Captain or Commanding officer shall and are hereby Impowered respectively, to Detach what Number he shall think Fit of the wealthiest or able Bodied Men in the City & County aforesaid, and the said Captain or other officer shall return to the said Colonel his Equal Quota, as shall be appointed out of his said District to go upon the said Expedition, & Every Person or Persons returned by the Captain or other officer to go as

[CHAPTER 836]

[Chapter 836 of Livingston & Smith and Van Schaack, where the act is printed in full. See chapter 720.]

An Act to Continue an Act Entituled an Act for the Returning of able and Sufficient Jurors, and for the better Regulation of Jurys.

[Passed, December 6, 1746.]

WHEREAS an Act, Entituled an Act, for the returning of able and Sufficient Jurors, & for the better Regulation of Jurys passed in the Fifteenth year of his Majesties Reign, will expire on the Twenty Fifth of March next & the same having been found greatly advantageous to the Inhabitants of this Colony.

BE IT ENACTED by his Excellency the Governour, the Council, & the General Assembly, And it is hereby Enacted by the Authority of the same, That the above mentioned Act, Entituled an Act for the returning of able & Sufficient Jurors & for the better Regulation of Jurys, Shall be, & hereby is continued, and every Clause, Article, Matter & Thing therein contained Enacted to be & remain of full Force & Virtue to all Intents Constructions & Purposes whatsoever, and is hereby made Perpetual.

ALWAYS Provided and be it Enacted by the Authority aforesaid, That the Inhabitants of the City of Albany having Personal Estates to the Value of Sixty Pounds, Free from all Incumbrances, Shall be & hereby are made liable to serve on all Jurys which shall hereafter be summoned to serve in the Mayors Court of the said City any Thing in the aforesaid Act to the Contrary Notwithstanding.

[CHAPTER 837]

[Chapter 837 of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 1, 1747.]

An Act to Let to Farm the Excise on Strong Liquors Retaild in this Colony, From the first of November, one Thousand Seven Hundred & Forty Six, To the first of November one Thousand Seven Hundred & Forty Seven.

[Passed, December 6, 1746.]

WHEREAS by an Act of the General Assembly, Entituled an Act for Laying an Excise on all strong Liquors retaild in



this Colony, Passed in the Twelfth year of the Reign of Her late Majesty Queen Anne, there was given & granted to her said Majesty, her Heirs & Successors, a Duty of Excise, on all strong Liquors retailed in this Colony, From the first day of November one Thousand, Seven Hundred & Fourteen, To the first Day of November one Thousand Seven Hundred & Thirty four, for the uses and Purposes in the said Act, Particularly mentioned; which said Duty of Excise hath by Several Subsequent Acts, been further continued, from the said first day of November, one Thousand Seven Hundred & Thirty four, To the first day of November, which will be in the Year of our Lord one Thousand Seven Hundred & Fifty Seven.

AND WHEREAS Sundry Persons have by Themselves or by others in their behalf, Offered & Engaged to Pay, for the said Duty of Excise, in the City's & Counties of this Colony, From the first day of November in this Present Year, To the first day of November which will be in the Year of our Lord one Thousand Seven Hundred & Forty Seven.

BE IT THEREFORE ENACTED by his Excellency the Governour, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Persons hereinafter named, Shall be the Farmers of the said Duty of Excise from & to the Time last Mentioned, in the Respective Cities and Counties of this Colony, and to have & Receive the Benefits thereof, at the Rates, & for the Several Sums following, That is to Say, Thomas Moone for the City & County of New York, For the Sum of Seven Hundred & Forty Pounds, Jacob Ten Eyck, Cornelius Ten Brook & Gerrit A. Lansing, For the City & County of Albany for the Sum of one Hundred & Thirty two Pounds, Abraham Bloom & Hendrick Remse for Kings County for the Sum of Forty Six Pounds, William Philipse for Queens County for the Sum of Eighty five Pounds, Thomas Roberson for Suffolk County for the Sum of Seventy Pounds, Clare Everit for Dutchess County for the Sum of Twenty Three Pounds, Gerrit Van Buren & Johanis Maste Jun'r for Ulster County for the Sum of Thirty two Pounds, Paul Michaux for Richmond County for the Sum of Sixteen Pounds, Theodorus Snediker for orange County for the Sum of Twelve Pounds, and Philip Pell & Edward Stephonson for West chester County, for the Sum of Sixty Five Pounds.

AND for the Effectual Securing the Several Payments before mentioned, be it Enacted by the Authority aforesaid, That the Several Farmers before named, shall be & hereby are Required and obliged Severally to Enter into the following Recognizances before any Judge of the Supreme Court or of the Inferiour Court, to his Majesty, his heirs & Successors with Sufficient Sureties, That is to Say, Thomas Moone in the Penal Sum of Fourteen Hundred & Eighty Pounds, Jacob Ten Eyck, Cornelius Ten Brook & Gerrit A Lansing in the Penal Sum of Two Hundred & Sixty four Pounds, Abraham Bloom & Hendrick Remse in the Penal Sum of Ninety Two Pounds, William Philipse in the Penal Sum of one Hundred & Seventy Pounds, Thomas Robinson in the Penal Sum of one Hundred & Forty Pounds, Clare Everit in the Penal Sum of Forty Six Pounds, Gerrit Van Burren & Johannes Maste Jun'r in the Penal Sum of Sixty four Pounds, Paul Michaux in the Penal Sum of Thirty two Pounds, Theodoris Snediker in the Penal Sum of Twenty four Pounds, and Phillip Pell and Edward Stephenson in the Penal Sum of one Hundred & Thirty Pounds. CONDITIONED That each of the said Farmers, shall well & truly Pay to the Treasurer of this Colony, the respective Sums, They have Severally Farmed the said Duty of Excise at, in two Equal half Yearly Payments, That is to Say one half thereof on or before the first day of May next Ensuing, and the other half thereof, on or before the first day of November, which will be in the Year of our Lord, one Thousand Seven Hundred & Forty Seven, and the Judge or Judges before whom such Recognizance or Recognizances are taken, are hereby Required to cause the same to be Recorded in the Minutes of the Supream Court of this Colony & afterwards to Transmit the same with all Expedition to the said Treasurer, with whom they are to Remain until they shall be Discharged,

AND to the End that the before named Several & respective Farmers may not Exercise the Powers hereby Given, before They shall have Enter'd into the Recognizances as hereby directed, BE it Enacted by the Authority aforesaid, That every Such Farmer who shall put in Execution all or any of the Powers aforesaid, before such Recognizances, shall have been Entered into, He, she or They in such case offending, shall Forfeit & Pay Double the Sum for which They respectively farmed the Excise, To be recovered in any of his Majesties



Courts of Record in this Colony, one half thereof, to any Person, who will sue for & Prosecute the Same to Effect, The other half to be paid to the Treasurer of this Colony, to be applied for Sinking & cancelling the Bills of Credit Struck & Issued upon the Duty of Excise.

AND That there may be no Failure in the Payments to be made to the Treasurer of the Several & Respective Sums which should be paid by the Several & respective Farmers, BE it Enacted by the Authority aforesaid, That the Treasurer of this Colony shall, & do, and he is hereby directed & required to put in Suit, Each & Every Recognizance that shall not be paid on or before the said first Day of May, & on or before the said first Day of November, or within one month after each said days respectively with the Interest thereon, and for Every Failure of the said Treasurer respecting the putting in suit the said Recognizances, he shall Forfeit & Pay the Sum of Fifty Pounds, To be recovered in any of his Majesties Courts of Record within this Colony, by any Person or PERSONS who will Sue for & Prosecute the Same to Effect, to his, her or their own Proper use.

AND be it further Enacted by the Authority aforesaid, That the Treasurer of this Colony shall be & hereby is Directed & Required within Three Months after the Publication of this Act, To put in Suit the Recognizances of all such Persons who are or shall then be in arrear on Account of the Excise laid by Former Acts of this Colony, First giving two Months Notice of this direction by advertisements to be Inserted in all the Publick News Papers in this Colony, and the Money recovered in consequence of such Suits, Shall be applied to the Sinking & cancelling the Bills of Credit Struck & Issued upon the Duty of Excise, and for every Failure of the Treasurer herein; He shall Forfeit & Pay the Sum of Fifty Pounds to be recovered & applied in manner last Aforesaid

AND to the end the Several before named Farmers may have the full benefit of the said Duty of Excise, from & to the Time before Mentioned Be it Enacted by the Authority aforesaid, That they & Each of them & each & every of their Executors, Administrators or Assigns, Shall be and hereby are Vested with all & Singular the Powers & authorities for Gathering, collecting and Recovering the said Duties & Forfeitures Imposed in the said Act, in the respective Places the said Excise is hereby Farmed to Them which in & by the Same are Granted & Allowed to Farmers of the said Excise, in as full, Ample &

AND for the Effectual Securing the Several Payments before mentioned, be it Enacted by the Authority aforesaid, That the Several Farmers before named, shall be & hereby are Required and obliged Severally to Enter into the following Recognizances before any Judge of the Supreme Court or of the Inferiour Court, to his Majesty, his heirs & Successors with Sufficient Sureties, That is to Say, Thomas Moone in the Penal Sum of Fourteen Hundred & Eighty Pounds, Jacob Ten Eyck, Cornelius Ten Brook & Gerrit A Lansing in the Penal Sum of Two Hundred & Sixty four Pounds, Abraham Bloom & Hendrick Remse in the Penal Sum of Ninety Two Pounds, William Philipse in the Penal Sum of one Hundred & Seventy Pounds, Thomas Robinson in the Penal Sum of one Hundred & Forty Pounds, Clare Everit in the Penal Sum of Forty Six Pounds, Gerrit Van Burren & Johannes Maste Jun'r in the Penal Sum of Sixty four Pounds, Paul Michaux in the Penal Sum of Thirty two Pounds, Theodoris Snediker in the Penal Sum of Twenty four Pounds, and Phillip Pell and Edward Stephenson in the Penal Sum of one Hundred & Thirty Pounds. CONDITIONED That each of the said Farmers, shall well & truly Pay to the Treasurer of this Colony, the respective Sums, They have Severally Farmed the said Duty of Excise at, in two Equal half Yearly Payments, That is to Say one half thereof on or before the first day of May next Ensuing, and the other half thereof, on or before the first day of November, which will be in the Year of our Lord, one Thousand Seven Hundred & Forty Seven, and the Judge or Judges before whom such Recognizance or Recognizances are taken, are hereby Required to cause the same to be Recorded in the Minutes of the Supream Court of this Colony & afterwards to Transmit the same with all Expedition to the said Treasurer, with whom they are to Remain until they shall be Discharged,

AND to the End that the before named Several & respective Farmers may not Exercise the Powers hereby Given, before They shall have Enter'd into the Recognizances as hereby directed, BE it Enacted by the Authority aforesaid, That every Such Farmer who shall put in Execution all or any of the Powers aforesaid, before such Recognizances, shall have been Entered into, He, she or They in such case offending, shall Forfeit & Pay Double the Sum for which They respectively farmed the Excise, To be recovered in any of his Majesties



Courts of Record in this Colony, one half thereof, to any Person, who will sue for & Prosecute the Same to Effect, The other half to be paid to the Treasurer of this Colony, to be applied for Sinking & cancelling the Bills of Credit Struck & Issued upon the Duty of Excise.

AND That there may be no Failure in the Payments to be made to the Treasurer of the Several & Respective Sums which should be paid by the Several & respective Farmers, BE it Enacted by the Authority aforesaid, That the Treasurer of this Colony shall, & do, and he is hereby directed & required to put in Suit, Each & Every Recognizance that shall not be paid on or before the said first Day of May, & on or before the said first Day of November, or within one month after each said days respectively with the Interest thereon, and for Every Failure of the said Treasurer respecting the putting in suit the said Recognizances, he shall Forfeit & Pay the Sum of Fifty Pounds, To be recovered in any of his Majesties Courts of Record within this Colony, by any Person or PERSONS who will Sue for & Prosecute the Same to Effect, to his, her or their own Proper use.

AND be it further Enacted by the Authority aforesaid, That the Treasurer of this Colony shall be & hereby is Directed & Required within Three Months after the Publication of this Act, To put in Suit the Recognizances of all such Persons who are or shall then be in arrear on Account of the Excise laid by Former Acts of this Colony, First giving two Months Notice of this direction by advertisements to be Inserted in all the Publick News Papers in this Colony, and the Money recovered in consequence of such Suits, Shall be applied to the Sinking & cancelling the Bills of Credit Struck & Issued upon the Duty of Excise, and for every Failure of the Treasurer herein; He shall Forfeit & Pay the Sum of Fifty Pounds to be recovered & applied in manner last Aforesaid

AND to the end the Several before named Farmers may have the full benefit of the said Duty of Excise, from & to the Time before Mentioned Be it Enacted by the Authority aforesaid, That they & Each of them & each & every of their Executors, Administrators or Assigns, Shall be and hereby are Vested with all & Singular the Powers & authorities for Gathering, collecting and Recovering the said Duties & Forfeitures Imposed in the said Act, in the respective Places the said Excise is hereby Farmed to Them which in & by the Same are Granted

Allowed to Farmers of the said Excise, in as full, Ample &

Recognizance & take Licence in manner as aforesaid, any thing contained in this or the aforesaid Act to the Contrary notwithstanding; but that They & each of Them shall nevertheless be, and hereby are required & obliged to agree for the Excise, with the respective Farmers thereof, and to obtain his, or their Permit for so doing, before such Person or Persons shall Retail strong Liquors without Doors, under the said Quantity of five Gallons; and in default hereof, Every offender & offenders, shall be Subject & Liable to the Penalties and Forfeitures which in such Cases are directed and Mentioned in and by the Act aforesaid.

AND be it Enacted by the same Authority, That of all the Penalties which may arise upon the Breach of the Recognizances hereby directed to be Entered into, one half shall be to the Informer or Informers, That shall sue for & Prosecute the same to Effect, and THE Other half shall be paid to the Treasurer, and Employed by him, to sink & Cancell bills of Credit struck & Issued upon the Duty of Excise; and that all other Forfeitures, which may arise by virtue of this Act, not herein before applied, shall be to the sole use and benefit of the Farmers respectively.

AND be it further Enacted by the Authority aforesaid, That all the moneys to be paid to the Treasurer, by the Several before named Farmers, shall be Employed for and Towards cancelling bills of credit struck & Issued upon the said Duty of Excise; at the Time and in the manner Directed in and by an Act, Entitled, an Act further to Continue the Duty of Excise, and the Currency of the Bills of Credit Emittted thereon, and to strike some new Bills for Exchanging such old ones as are or may be unfit to Circulate, passed in the Thirteenth Year of his present Majesties Reign, and to and for no other use or Purpose whatsoever.

#### [CHAPTER 838.]

[Chapter 838 of Livingston & Smith where the act is printed in full. Chapter 838 of Van Schaack, where the title only is printed. See chapter 764. Continued by chapter 873.]

An Act to Continue an Act Entitled  
an Act To Support the Garrison & Trading  
House at Oswego with Addition thereto

[Passed, December 6, 1746.]

WHEREAS an Act Entitled an Act, To Support the Garrison and Trading House at oswego, will Expire by its own Limitation the first Day of November in this present year of



our Lord, one Thousand Seven Hundred & Forty Six, and for as much as it is Necessary to have the Trade at Oswego under Proper Regulations.

BE it Enacted by his Excellency the Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above mentioned act, shall be continued, From and after the first Day of November in this present year, Until the first Day of November which will be in the year, one Thousand, Seven Hundred and Forty Eight.

ALWAYS Provided & be it Enacted by the authority aforesaid That whereas Phillip Livingston Junior, one of the commissioners for Collecting the Duties laid by the aforesaid act, is removed from Albany to the City of New York, Gerrit Corn's Van Denberg shall be and hereby is appointed a Commissioner to Collect the said Dutys in the Room and Stead of the aforesaid Phillip Livingston and the said Gerrit Corn's Van Denberg shall be and hereby is vested with as full Power and Authority to Exercise the office of a commissioner of the said Duties & shall be Subject to the Like Rules and Directions, Take the like oaths, enter into the like Recognizances, and be Entitled to the like Reward as if he had been Actually named & appointed in the Aforesaid Act. AND WHEREAS William Johnston has undertaken to Furnish the Garrison Posted at Oswego, with Provisions, in the Room & Stead of the Contractors mentioned in the aforesaid Act, Be it Enacted by the Authority Aforesaid, That the said William Johnston, shall be & hereby is obliged to Furnish the said Garrison with Provisions in the manner Directed in the aforesaid Act, For the Contractors therein named to perform, and shall enter into the like Recognizance, and shall be Entitled to the like Allowance for the Same, as if he had been Actually named & appointed in the said Act, any Thing in the Aforesaid Act to the Contrary notwithstanding.

[CHAPTER 839.]

[Chapter 839 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 818. Continued by chapter 850.]

An Act to continue an Act Entituled an Act, to prevent Desertion of his Majesties Forces in this Colony.

[Passed, December 6, 1746.]

WHEREAS an Act Entituled an Act to prevent Desertion of his Majesties Forces in this Colony, Passed in the Nineteenth

year of his Majesties Reign, will expire by its own Limitation on the Twenty Seventh of February next, and it being highly necessary to Prevent the Desertion of his Majesties Forces.

BE it Enacted by his Excellency the Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the aforesaid Act, Entituled an Act, To prevent the Desertion of his Majesties Forces in this Colony, Shall be & hereby is Continued, and Every Clause, Article, Matter & Thing therein contained Enacted to be & remain of full Force & virtue to all Intents Constructions & Purposes whatsoever, From the said Twenty Seventh Day of February next, until the first Day of December which will be in the Year of our Lord, one Thousand Seven Hundred & Forty Seven.

[CHAPTER 840.]

[Chapter 840 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for Raising the Sum of Two Thousand Two Hundred and Fifty Pounds by a Publick Lottery for this Colony for the Advancement of Learning & Towards the Founding a Colledge within the Same.

[Passed, December 6, 1746.]

IN as much as it will greatly Tend to the Welfare & Reputation of the Colony That a Proper & Ample Foundation be Laid for the Regular Education of Youth. & as so good & Laudable a design must readily Excite the Inhabitants of this Colony to become Adventurers in a Lottery of which the Profits shall be Employed for the Founding a Colledge for that Purpose.

BE it Enacted by his Excellency the Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That a Lottery be Erected within this Colony, and that for & towards the Raising the Sum of Two Thousand, Two Hundred & Fifty Pounds, it shall & may be Lawfull, For any Person or Persons, Natives or Foreigners, bodies Politick or corporate, To contribute by Paying at or before the respective Times by this Act Limited in that behalf, to any Person or Persons herein after to be appointed for that Purpose, The sum of one Pound Ten Shillings or Divers entire Sums of one pound Ten Shillings upon this Act, and that every Contributor or Adventurer, For Every such Sum of one pound



Ten Shillings, which, He, she or they, shall so advance, Shall be Interested in Such Lott or Share of & in the said Lottery Established by this Act, as is herein after Directed & appointed, and the Same Entire Sums of one Pound Ten Shillings Each, are hereby appointed to be paid unto such Person or Persons as aforesaid, on or before the first Day of June next.

AND be it further Enacted by the Authority aforesaid, That Peter Vallette and Peter Van Brugh Livingston, Shall be Managers for Preparing & Delivering out Tickets, Receiving of money for the said Tickets, & to oversee the Drawing of Lotts, and to order do & Perform such other Matters & Things as ARE hereafter in & by this Act Directed & appointed by such Managers to be done & Performed, and That such Managers, Shall meet Together from time to time, at some Publick Place as to Them shall seem most convenient for the Execution of the Powers & Trust in Them Reposed by this Act, and that the said Managers, Shall cause Books to be Prepared in which every Leaf shall be Divided or Distinguished into Three Columns, and upon the Innermost of the said Three Columns, there shall be Printed Ten Thousand Tickets numbred, one, Two, Three, and so onwards in Arithmetical Progression, where the common Excess is to be one, until They arise to & for the Number of Ten Thousand, and upon the middle Column in Every of the said Books shall be Printed Ten Thousand Tickets of the same Breadth & form, and Number in Like manner, And in the Extream Column of the said Books, there shall be Printed a Third Rank or Series of Tickets of the same Number with those of the other two Columns, which Tickets shall Severally be of an oblong Figure, and in the said Books shall be Joined with oblique Lines, Flourishes or Devices, in such manner, as the said Managers shall think most safe & convenient, and that Every Ticket in the Extream or third Columns of the said Books, Shall have Printed thereupon, besides the Number, The following words, viz't. The Possessor of this Ticket, if drawn a Prize shall be Entitled to the Prize so Drawn, subject to such Deduction as is Directed by an Act of this Colony in that behalf.

AND it is further Enacted by the authority aforesaid, That the said Managers, Shall carefully examine all the said Books, with the Tickets therein, and that the same be Contrived, Numbered & made according to the True Intent & meaning of this Act, and all and Every such Manager Respectively is, and are

hereby Directed & Required, upon his or their Receiving of Every or any Entire Sum of one Pound Ten Shillings, in full Payment for a Ticket, From any Person or Persons contributing or Adventuring as aforesaid, To cut out of said Book or Books, through the said oblique Lines, Flourishes or Devices, indentwise a Ticket of the Tickets in the said Extream Columns, which one of the said Managers Shall sign with his own name, and he or they shall Permit the Contributor or Adventurer (if it be Desired) to write his or her Name or Mark on the two Corresponding Tickets in the same Book, and at the same time the said Managers, or one of Them, shall Deliver to the said Contributor or Adventurer the Ticket so cut off, which, He, she or They are to keep & use for the better Ascertaining & Securing the Interest, which he, she or They, his, her or their Executors, Administrators or Assigns, shall or may have in the said Lottery, for the monies so by him, her or Them Contributed or Adventured, until the said Adventure by the Drawing the Lots, and the Payment of such Tickets as Shall be Fortunate, shall be fully Determined.

AND be it further Enacted, That the said Managers at a Meeting as aforesaid, Shall cause all the Tickets of the middle Columns in the books, To be cut indentwise through the said oblique Lines Flourishes or Devices and carefully rolled up as much alike as may be & made fast with Thread, and in the Presence of such Contributors or Adventurers as will be there present, cause all the said Tickets which are to be Rolled up & made fast as aforesaid to be put into a Box to be Prepared for that Purpose, and to be marked with the Letter (A) which is presently to be put in another strong Box & to be Locked up with two Different Locks & Keys, to be kept by as many Managers, and Sealed with their Seals until the said Tickets are to be drawn as is herein after mentioned, and that the Tickets in the first or Innermost Columns of the said Books, shall remain still in the Books, for Discovering any Mistake or Fraud, if any such should happen to be committed contrary to the True Intent & meaning of this Act.

AND be it further Enacted by the same Authority, That the Managers before mentioned, shall cause to be Prepared other Books, in which Every Leaf shall be Divided or Distinguished in two Columns, and upon the Innermost of these two Columns,



there shall be Printed Ten Thousand Tickets AND upon the outermost of the said two Columns, there shall be Printed Ten Thousand all which shall be of Equal Length & Breadth as near as may be, which Two Columns in the said Books shall be joined with some Flourishes or Devices through which the oufermost Tickets may be cut of Indentwise, and that one Thousand Six Hundred & Sixty Five Tickets part of those to be contained in the Outermost Columns of the Books Last mentioned, shall be called the Fortunate Tickets to which Benefits shall belong as herein after Mentioned, and the said Managers, Shall cause the said Fortunate Tickets to be written upon or otherwise Expressed, as well in Figures as in words at Length in manner following, That is to Say, upon, one of Them, Five Hundred Pounds, upon one other of them Three Hundred Pounds, upon one other of them Two Hundred Pounds, upon Ten of them Severally, one Hundred Pounds, upon Thirty of them Severally, Fifty Pounds, Upon Forty of Them Severally Twenty five Pounds, upon Fifty Nine of them Severally Fifteen Pounds, upon four Hundred of them Severally Ten Pounds, And upon, one Thousand one Hundred & Twenty Three of them Severally Five Pounds, Which Sums so to be written or otherwise Expressed upon the said Fortunate Tickets will Amount in the whole to the sum of Fifteen Thousand Pounds, which is the Produce of Ten Thousand Tickets, according to the Valuation of one Pound Ten Shillings, for each Ticket as before Mentioned.

AND be it further Enacted by the Authority aforesaid, That the Managers before Mentioned, shall cause all the said Tickets contained in the outermost Column of the Last mentioned Books, in the Presence of Such Contributors or Adventurers as will then be there Present, To be cut out Indent wise, Through the said Flourishes or Devices & carefully Rolled up as near as may be alike & Fastned with Thread, and put into another Box to be Prepared for that Purpose, and to be marked with the Letter (B) which box shall presently be put into another strong Box & Locked up & sealed in the manner as Box Letter'd (A) Until these Tickets shall also be Drawn in the Manner & form hereafter mentioned, and that no money shall be received from any Contributor or Adventurer towards this Adventure as aforesaid, after the first Day of June next, and that the whole Business of Roleing up & cutting off and Putting in the

hereby Directed & Required, upon his or their Receiving of Every or any Entire Sum of one Pound Ten Shillings, in full Payment for a Ticket, From any Person or Persons contributing or Adventuring as aforesaid, To cut out of said Book or Books, through the said oblique Lines, Flourishes or Devices, indentwise a Ticket of the Tickets in the said Extream Columns, which one of the said Managers Shall sign with his own name, and he or they shall Permit the Contributor or Adventurer (if it be Desired) to write his or her Name or Mark on the two Corresponding Tickets in the same Book, and at the same time the said Managers, or one of Them, shall Deliver to the said Contributor or Adventurer the Ticket so cut off, which, He, she or They are to keep & use for the better Ascertaining & Securing the Interest, which he, she or They, his, her or their Executors, Administrators or Assigns, shall or may have in the said Lottery, for the monies so by him, her or Them Contributed or Adventured, until the said Adventure by the Drawing the Lots, and the Payment of such Tickets as Shall be Fortunate, shall be fully Determined.

AND be it further Enacted, That the said Managers at a Meeting as aforesaid, Shall cause all the Tickets of the middle Columns in the books, To be cut indentwise through the said oblique Lines Flourishes or Devices and carefully rolled up as much alike as may be & made fast with Thread, and in the Presence of such Contributors or Adventurers as will be there present, cause all the said Tickets which are to be Rolled up & made fast as aforesaid to be put into a Box to be Prepared for that Purpose, and to be marked with the Letter (A) which is presently to be put in another strong Box & to be Locked up with two Different Locks & Keys, to be kept by as many Managers, and Sealed with their Seals until the said Tickets are to be drawn as is herein after mentioned, and that the Tickets in the first or Innermost Columns of the said Books, shall remain still in the Books, for Discovering any Mistake or Fraud, if any such should happen to be committed contrary to the True Intent & meaning of this Act.

AND be it further Enacted by the same Authority, That the Managers before mentioned, shall cause to be Prepared other Books, in which Every Leaf shall be Divided or Distinguished in two Columns, and upon the Innermost of these two Columns,



the Fortunate & Blank Lots, Shall appear to be one of the Fortunate Tickets, then the sum written upon such Fortunate Ticket (whatever it may be) Shall be Entered by the Clerks so appointed, into the Books prepared for that Purpose, Together with the Number coming up with the said Fortunate Ticket, and one of the said Managers Shall Set their Name as witness to Every such Entry, and the said Fortunate & Numbred Tickets so Drawn together, shall be put upon another File, and so the said Drawing of the Tickets shall continue, by taking one Ticket at a Time out of Each Box, and with opening naming aloud & Filing the Same, and by Entering the Fortunate Lots in such method, as is before Mentioned, Until the whole number of Tickets, Shall be compleatly Drawn, And if the Same cannot be Performed in one Days time, the said Managers, Shall cause the Boxes to be Locked up & Sealed, in the Manner as aforesaid, And adjourn til the next Day, and so from Day to Day & Every Day (except Sundays) and then open the Same & Proceed as above, till the said whole Number of Tickets shall be compleatly Drawn as aforesaid.

AND to the End that the Adventurers may have all Possible Satisfaction in the Due, Regular & Just management of the said Lottery, Be it Enacted by the Authority aforesaid, That the Mayor, Recorder, Alderman & commonality of the City of New York, may & are Impowered to appoint Every Day during the whole Course of the Lottery, two or more of their body to Inspect all & Every Transaction of the said Lottery hereby Directed and Required, and that Each County in the Colony, may & are hereby Impowered IF They See Cause to Depute two Justices of the Peace, or other Reputable Freeholders or Inhabitants, For the aforesaid Inspection with Proper Certificates of their being so Deputed, From the next or any Subsequent General Session of the Peace, and the said Managers are hereby Directed & Required to Admit Them, and the said Members of the said Corporation, to the aforesaid Inspection Accordingly.

AND to the End the Fortunate may know, whether absent or Present to what Degree they have been so, and that Speedy Payment may be made upon the Fortunate Tickets, to the Persons Entitled thereto, Be it Enacted by the authority aforesaid, That during the course of the Drawing, the said Managers are hereby Required, weekly to give Publick Notice, in the New York Post Boy, of the Numbers of the Tickets drawn

Blank, and also of the numbers of the Tickets drawn against the Fortunate Lots, and the Sums written on the Same, and as soon as the Drawing is over, Shall pay the said Sums to Such Persons, who shall Produce Tickets with the Numbers Drawn against Such Fortunate Lots, They the said Managers first Deducting Fifteen per Cent out of the said Fortunate Lots & to be applied as hereafter is Directed

AND be it further Enacted by the authority aforesaid, That if any Person or Persons, Shall Forge or counterfeit any Ticket or Tickets to be made forth on this Act, or Alter any of the Numbers thereof, or bring any Forged or counterfeited Ticket, or any Ticket whereof the Number is Altered, knowing the same to be such, to the said Managers, or Either of Them for the Time being, To the Intent to Defraud the Colony, or any Contributor or adventurer or the Executors, Administrators or Assigns of any Contributor or Adventurer upon this Act, That then Every such Person or Persons (being thereof convicted in Due Form of Law) Shall be adjudged a Fellow, and shall Suffer Death as in cases of Felony, without Benefit of Clergy, and the said Managers or Either of Them Are hereby Authorized, Required & Impowered, to cause any Person or Persons bringing such Altered, Forged, or Counterfeited Ticket or Tickets as aforesaid, to be apprehended, and to Commit Him, Her, or Them to his Majesties Goal of the City of New York, to be Proceeded against for the said Felony according to Law.

AND be it Enacted by the Authority aforesaid, That every of the Managers hereby appointed for Putting this Act in Execution before his Acting in Such Commission, Shall take the oath following, that is to Say, I, A. R. do swear, That I will Faithfully Execute the Trust Reposed in me, and That I will not use any Indirect Art or means, or permit or Direct any Person to use any Indirect Art or means to obtain a Prize or Fortunate Lot, for my Self or any Person whatsoever, and that I will do the utmost of my Endeavours, to prevent any undue or Sinister Practice to be done by any Person whatsoever, and that I will to the best of my Judgment declare to whom any Prize Lot or Ticket of Right does belong, According to the True Intent of the Act, of Governour, Council & General Assembly, Passed in the Twentieth year of his Majesties Reign in that behalf, which oath shall be Administered by one of the Justices of the Supream Court of this Colony.



PROVIDED always and be it Enacted by the Authority aforesaid that the Managers hereby Appointed, before They take the oath Prescribed by this Act, or Perform, or Execute any thing therein Contained, shall first Enter into the following Recognizances to our Sovereign Lord the King, his Heirs & Successors, That is to Say, Each of them before one of the Justices of the Supreme Court, in the Sum of Four Thousand Pounds with two Sufficient Securities Each in half that Sum, Conditioned that they shall & will well & Truly, each for his Part, Execute the Trust Reposed in Them by this Act, & well & Truly observe do & Perform all the Directions thereby Required to be done & Performed by Them, according to the True Intent & meaning thereof, which several Recognizances, are to be Delivered to the Treasurer, by the Justice before whom the same Shall be so Taken, (having first caused the same to be Recorded in the Minutes of the Supreme Court) in order to be Lodged in the Treasury.

AND be it further Enacted by the Authority aforesaid, That the Several Deductions of Fifteen per Cent, upon the whole number of Fortunate Tickets, Shall be Paid into the Hands of the Treasurer of this Colony by the Managers hereof, out of which there shall be allowed in case the Lottery shall be actually Drawn, The following Sums viz't To each of the said Managers the sum of one Hundred & Twenty Five Pounds, To each of the Two Clerks, Six Shillings per Diem, For every Day They shall be actually Employed in the said Drawing, To Each of the Two Persons who shall Draw the Tickets, Three Shillings per Diem, for every Day they shall be so Employed, and all Reasonable Charges, For Printing Books, Tickets & advertisements, & such other Incidents as may necessarily be required in the said Lottery, and the monies arising from the said Several Deductions of Fifteen pr. Cent, upon the whole number of Fortunate Tickets, The aforesaid charges of Management being first Deducted, Shall be paid into the hands of the Treasurer, To be and Remain in the Treasury, To & for the Purpose of Founding a Colledge, for the Education of youth, and to & for no other Purpose whatsoever, in such Manner as shall be hereafter Directed by Act or Acts of the Governour Council & General Assembly.

AND That the Purpose of Founding the said Colledge may not be obstructed by any other Application of the Moneys to arise from the Profits of the said Lottery, Be it Enacted by the

Authority aforesaid That each & Every Representative in General Assembly, For the Time being, who shall hereafter in General Assembly, move or Consent to the applying or appropriating the said Money's to any other Purpose whatever, Than the Founding the Colledge aforesaid, shall be and hereby is Declared & made Forever Incapable of Sitting & voting in this or Any Future General Assembly, and new Writts shall Issue accordingly.

AND be it further Enacted by the Same Authority, That no Fee or Gratuity whatsoever, shall or may be Demanded or taken of any Person or Persons, Contributor or Adventurer to the Lottery aforesaid, by any Manager or Managers, or any other Officer Or officers appointed by this Act, For any thing that shall be done Pursuant to this Act, upon Pain That any Officer or Person offending, by taking any Fee or Gratuity contrary to this Act, Shall Forfeit the Sum of Fifty Pounds to the Party Grieved, To be Recovered with full cost in any of his Majesties Courts of Record within this Colony.

AND be it Enacted by the Authority aforesaid, That in case all the said Ten Thousand Tickets, shall not be sold & Disposed of before the said first Day of June next, That then the money That has been Received for any Ticket or Tickets by virtue of this Act, Shall be by the said Managers Repaid to the Person or Persons of whom the Same Shall have been Received, his, her or their Executors, Administrators, or Assigns, He, she or They first Produceing the Several Tickets for which Such Repayment, shall be Required, and the Lottery hereby Erected & made, Shall from thenceforth become void, any thing in this Act, Contained, to the contrary hereof notwithstanding, and in such case the Treasurer aforesaid, Shall pay out of any money then in the Treasury (Except such as Shall be appointed for the Annual Support of Government) The Several Incidents before mentioned, upon Proper certificates signed by the said Managers, and Receipts thereon, Shall be good Vouchers to him for the Payment thereof, For the amount of which the General Assembly shall & will Provide ways and means to Repay & Replace the same.

PROVIDED and be it Enacted, That in case the said Ten Thousand Tickets aforesaid, be sold & disposed of in the manner aforesaid before the First day of June next, That then the Managers shall Proceed to the Drawing the Lots in manner



aforesaid, first giving Publick Notice thereof in the New York Post Boy, at Least Fourteen Days before the Drawing the Same, any thing in this Act to the contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid, That If Either of the before mentioned Managers, Shall happen to Die, Remove out of this Colony, or Refuse to Act, according to the Several and Respective Powers & Authorities hereby Directed, & Required, It shall & may be Lawfull to & for the Governour, or Commander in chief for the Time being, by and with the advice & Consent of his Majesties, Council, to nominate & appoint some other fit Person or Persons, to be Manager or Managers in the Place & Stead of the Manager or Managers so dying, Removing or Refusing to Act as aforesaid, any Thing herein contained to the contrary notwithstanding Provided that the Person or Persons, who may be so appointed, shall be obliged to take the Like oath, enter into the Like Recognizance & Sureties, as is herein Directed to be done by the Managers named in this act, and be in all Respects as Subject to Observe & Perform the Several Directions of this Act, as if he or They had been named or appointed in it.

[CHAPTER 841.]

[Chapter 841 of Livingston & Smith, where the act is printed in full Chapter 841 of Van Schaack, where the title only is printed. See chapter 803. Continued by chapter 852.]

An Act further to continue an Act Entituled an Act For & towards Supporting the Government of this Colony, by granting to his Majesty the Duties therein Mentioned, from the first Day of December one Thousand Seven Hundred & Forty, to the first Day of December, one Thousand Seven Hundred and Forty one, with an addition thereto.

[Passed, December 6, 1746.]

WHEREAS the Duties and Impositions granted for the Support of his Majesties Government in this Colony, by the above mentioned Act, have by Several Subsequent Acts been continued, to the first Day of December next, and the General Assembly being willing to make Provision for the further Support thereof.

BE it Enacted by his Excellency the Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, that the above mentioned Act, Entituled an act, For and towards Supporting the Government of this Colony, by Granting to his Majesty the Duties therein Mentioned, From the first day of December one Thousand Seven Hundred & Forty, To the first day of December one Thousand Seven Hundred and Forty one, Shall be and hereby is Enacted to be further continued, and every Clause Matter, Article and Thing there in contained, To remain and be of Full Force and Virtue to all Intents, Constructions, and Purposes whatsoever, From the said first day of December next, until the first day of December, which will be in the Year of our Lord, one Thousand Seven Hundred & Forty Seven.

AND for the more Effectual prevention of the Clandestine Runing of any of the Goods or Merchandize in the aforesaid Act Ennumerated and thereby Defrauding his Majestie of the Duties therein granted for the Support of this Government, to the Dimunition of the Revenue, and the great Damage of the fair & Honest Trader, BE it Enacted by the Authority Aforesaid, That if any Waterman, Boatman, Carman, Porter, or any other Person or Persons whatsoever shall after the Publication of this Act, be aiding & Assisting in the takeing up, Landing Carting, or carrying any of the Goods or Merchandize in the aforesaid Act specify'd, For which the Duties thereby Imposed, have been neither paid nor Secured to be paid, in the manner Directed by the said Act, every such Person & Persons so knowingly offending in the Premises, and being thereof convicted before one or more of his Majesties Justices of the Peace for the, City, Borough, Town, or county where the offence shall be committed, upon the oath of one or more credible witnesses, shall Forfeit & Pay the sum of Twenty Pounds, for the first offence, To be Levyed by Distress & Sale of the offenders Goods & Chattels, in like manner as in other Cases of Distress, Together with the Costs of Such Prosecution, The one half thereof to be paid to the Treasurer of this Colony, and applyed for the Support of the Government, The other half to the Person or Persons who shall Prosecute & Sue for the Same, and for want of such Goods & chattels Such offender or offenders, Shall be committed to the County Goal where the offence shall be committed, there to Remain for the Space



of Three Months without Bail or Mainprize, or until such Forfeiture together with the Costs of Such Prosecution, Shall be paid, And for the Second and Every other offence, being thereof convicted as aforesaid, Such offender and offenders Shall be committed to Goal as aforesaid for the Space of Six months, there to remain without Bail or Main Prize.

AND be it Enacted by the Authority aforesaid, That the Land & Tide Waiter of the Colony Duties, shall within Six Days after the Publication of this Act, take his Corporal Oath, before one of the Justices of the Supreme Court, For the due & Faithfull Execution of his office & Trust, according to the best of his Skill & Power, and That He will not demand or Receive any Fee or Gratuity, directly nor Indirectly, Other than his Salary, and the Regular Fees of his Said office Established by Law which oath shall be certify'd under the hand of such Justice, and Deliver'd to the said officer, To be by him Lodged and Filed with the Treasurer of this colony and in case the said Land and Tide Waiter, shall neglect or Refuse to take Such oath within the Time Limited as aforesaid, He shall by such Default be rendered Incapable of holding and Enjoying the said office, & thereupon it shall & may be Lawfull for the Governour or Commander in chief for the Time being (by and with the advice and consent of his Majesties Council) To nominate and appoint some other fitt & Proper Person to the said office in his Place and stead, which Person so appointed, shall be Intituled to have and receive the like Salary, Fees & Perquisites, as the Person so Disabled was Intitled to have & receive, before such Default made as aforesaid, and shall upon his appointment take the said oath hereby directed, or be Disabled in like manner as aforesaid.

AND be it further Enacted by the Authority aforesaid, That all Persons Importing (During the Continuance of the Act aforesaid) any Rum Brandy, or other Distilled Liquors, as likewise Shrub, or other mixed Liquors whereof the greater part is Distilled Spirits, in the District or County of Suffolk, Shall Enter the same with the officer of the District & County aforesaid, before its being Landed, and at the same Time produce to him the original Invoice or Invoices thereof, and make oath before him, that such Invoice is Real and True, according to the best of his or her Knowledge, and in this Case the quantity of Gallons is to be Ascertained accordingly; and if the casks are not Filled up on board of the Vessell Importing the Same, or on Shore, the following deduction is to be allowed, out of

the said Invoices, That is to Say, on Such Liquors from the West Indies, Five Per Cent, And from the neighboring Colony's Three per Cent, and the neat quantity of Gallons is to be Ascertained Accordingly; but if the Casks are filled in manner aforesaid, then the full quantity is to pay the Duty in the Act aforesaid Mentioned; and if no Such Invoice is Produced & sworn to as aforesaid, The casks are to be Gauged at the charge of the Importer, by a fit Person to be appointed, named by the said officer of the District aforesaid, and the neat quantity of Gallons is in this case to be ascertained accordingly, any Thing in the aforesaid Act to the Contrary notwithstanding.

## [CHAPTER 842.]

[Chapter 842 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act to Raise, Levy & collect the Sum of Eighty Pounds in the City & County of New York, for the Services therein Mentioned.

[Passed, December 6, 1746.]

WHEREAS William Roome Esq'r, one of the late Representatives for the City & County of New York, hath served in General Assembly, one Hundred & Twenty Days (Sunday Exclusive) as appears by four certificates by him Produced, For which there is due to him, the Sum of Thirty Six Pounds which Sum has never been Levied collected or paid unto him, And WHEREAS Richard Nicholls late Coroner of the city & county of New York, hath Taken Seventeen Inquests, on the Dead Bodies of Poor Persons, for which he hath Received no Allowance or Reward, and it being conceived Just and Reasonable, That he should be Allowed & Paid for his Trouble and Expence therein the Sum of Thirty four Pounds, AND WHEREAS John Van Cortland Esq'r. The present coroner of the City & County of New York, hath taken Five Inquests, on the Dead Bodies of poor Persons, For which he hath Received no Allowance or Reward, and it being also conceived Reasonable, That He should be Allowed & Paid for his Trouble & Expence therein the Sum of Ten Pounds.

BE IT THEREFORE ENACTED by his Excellency the Governour the Council, and the General Assembly, and it is hereby Enacted by the Authority of the Same, That there be Raised, Levied, and Collected upon the Freeholders, Inhabitants & Residents of the City & County of New York, The Sum of Eighty



Pounds, To be paid unto the said William Roome, Richard Nicholls & John Van Cortland, their Executors, or Administrators, For their Services aforesaid, and that the said Sum of Eighty Pounds, Together with Twelve pence in the pound, for Collecting the same, to be Raised, Levyed, & collected in the Same manner, and by the same Persons, and Together with the next Tax, that shall be Raised, Levyed and Collected for the Support and Maintenance of the Minister and Poor of the said City of New York, and shall Together with the Same, Minister & poor Tax be paid by the Several Constables, That shall Collect the Same, They retaining in their hands the said Sum of Twelve pence in the Pound, into the hands of the Church Wardens of the said City of New York for the Time being.

AND be it further Enacted by the Authority aforesaid, That the Church Wardens of the City of New York, for the Time being, shall out of the moneys to be raised, Collected & paid into their hands, by virtue of this Act, pay unto the said, William Roome, Richard Nicholls and John Van Cortland, Their Executors, Administrators or Assigns, on or before the first day of may next Ensuing, the Respective Sums following, That is to Say, To the said William Roome, his Executors, Administrators or Assigns, The Sum of Thirty Six Pounds, To the said Richard Nicholls his Executors Administrators or Assigns, The sum of Thirty four Pounds, and to the said John Van Cortland, his Executors, Administrators or Assigns, The Sum of Ten Pounds, And the Respective Receipts of the said William Roome, Richard Nicholls, and John Van Cortland, their Executors, Administrators or Assigns Shall be a Sufficient acquittance and Discharge for the Same to the said Church Wardens.

AND BE IT further Enacted by the Same Authority, That if the Justices of the Peace, Vestry Men, or constables of the city of New York aforesaid (who are hereby required Empowered & Authorized to take Effectual care, that this Act, be duly Executed, according to the true Intent and meaning thereof) or if any of Them, Shall, Deny, Refuse, or Delay to Perform & Execute, all or any of the Powers, Duties & Authorities in this Act required to be done & Performed by Them, or any of Them and Shall thereof be Lawfully convicted in any Court of Record in this Colony, He or They, so Denying, Refusing or Delaying, to Perform the Duties aforesaid shall Suffer such pains & Penalties, by Fine, or Imprisonment, as by the discretion of the

Justices of the said Court, shall be Adjudged, to be Sued for & Recovered by the Person or Persons agrieved thereby.

[CHAPTER 843.]

[Chapter 843 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 814. Continued by chapter 849.]

An Act to Continue an Act, Entituled an Act, for Regulating the Militia of this Colony, with an Addition Thereto.

[Passed, December 6, 1746.]

WHEREAS an Act Entituled an Act for Regulating the Militia of this Colony, will Expire by its own Limitation the first Day of December in this Present year of our Lord, one Thousand Seven Hundred & Forty Six, And for as much as it is highly Necessary to have the Militia of this Colony under Proper Regulations.

Be it Therefore Enacted by his Excellency the Governour, the Council & the General Assembly, and it is hereby Enacted by the Authority of the same That the above mentioned Act, shall be and hereby is continued until the first Day of December which will be in the Year of our Lord, One Thousand Seven Hundred & Forty Seven.

AND WHEREAS in the City & County of New York there is now no Troop of Horse Subsisting, And Several Persons under Colour & pretence of being Listed in the Troop, have denyed to Perform any Military Service in the said City & County, BE it Enacted by the Authority aforesaid, That until the Troop of Horse Shall be Formed, all such Persons (Those Excepted who have heretofore actually Served in the Troop of Horse of New York, when the said Troop was Subsisting) Shall be obliged to Appear with their Muskets Cartouch Boxes & other Accoutrements, as Foot Soldiers under the Captain of the Ward or Beat where they dwell and Reside & be obliged to, Perform the Like Service under the like Fines & Forfeitures as the Foot Soldiers in the Militia are Liabile to in the aforesaid Act, any Thing therein to the contrary notwithstanding.

AND be it Enacted by the Authority aforesaid, That all Persons within the City & County of New York, able to bear Arms, who have borne Commissions, Either in the Civil or Military way, or are Exempted by the Act aforesaid (Ministers of the Gospel, Physitions & Surgeons Excepted) Shall in case of a General Alarm or Invasion be obliged to Repair well



Armed & Equiped to the Place to be appointed, in the said City & County, by such officer or officers as the Governour or commander in chief for the Time being shall Commissionate & appoint, in the Several & Respective Places Aforesaid to command Them, But if the Governour or Commander in chief for the time being should not think Proper to Commissionate officers to command Them, In that case They shall be obliged to appear under the Captains of the Several Wards or beats where They Dwell & Re-side, and if they neglect or Refuse to appear at the Place appointed in Time of Such Alarm, or Invasion Every Person so Refusing, Neglecting or Absenting himself, Shall for every Such Offence Forfeit the Sum of Fifty Pounds.

AND be it further Enacted by the Same Authority That all commission Officers of the Regiment of New York, the commission officers of the Independent companies of Militia, and the Commission officers of the Artillery Company, and all Military Commission Officers, and all Civil officers, Dwelling in the City of New York, Shall wear their Swords Every Sunday During Divine Service, under the Penalty of Twenty Shillings, for every Such Neglect, To be Recovered from the Military officers before the Collonel or next Commanding officer, And from the Civil officers before the Mayor, Recorder, or any one of the Aldermen of the said City, which Fines of the Military officers, Shall be applyed, for the Purchasing of Arms for the Militia, And of the Civil officers, Shall be paid into the hands of the Church Wardens, for the use of the Poor, any thing in the before Mentioned Act to the Contrary hereof notwithstanding.

AND be it further Enacted by the Authority aforesaid, that whenever it shall be found Necessary to keep a Military Watch within the Town of Kingston in Ulster County, Every Person within the said Town able to bear Arms (Ministers of the Gospel, Physitions and Surgeons Excepted) not being under the Immediate command of the officers of the Militia Regiment, Shall whenever there Shall be a Militia watch, kept within the said Town, be obliged to keep their Watch in their Turns, with the Militia, and shall appear & be under the Command of Such officer or officers as Shall be Directed by the Field officers of the Regiment, and upon Failure be Lyable to the Same Fines and Forfeitures for Every Neglect, as the Militia are in the Act aforesaid

AND whereas upon certain Emergencies, it may be found necessary, To keep Military Watch & Ward in Some other

part or parts of this Colony, Be it Enacted by the Authority aforesaid, That where ever Such Emergencies Shall make it necessary to keep a Military Watch in any of the Cities and Counties of this Colony, ALL Persons able to bear Arms whether belonging to the Militia, or not, Shall appear in their own Persons, Unless They can give a Sufficient Reason for Excuse to the commanding officer of such Watch or Guard, who shall then have it in his Power to give Leave to Send a Sufficient Person in his or their Room, living within the said Cities & Counties (Ministers of the Gospel, Physitions & Surgeons only Excepted) and shall in their Turns upon due warning be obliged to Serve upon Such Military Watch according To the Order & Direction of the Captain General or commander in chief for the Time being, or the Collonel of the Regiment, or next commanding officer in Every City & County of this Colony, on Penalty of Twelve Shillings for Every Default or Neglect, To be Recovered, From Every Such Defaulter or Defaulters & upon Non Payment thereof to be Levy'd by Distress, upon his or their Goods & Chattels, in like Manner, as other Fines by the Act aforesaid are directed to be Destrained for, the City & County of Albany Excepted.

AND be it Enacted by the Same Authority, that the Clause in the Act aforesaid, concerning the keeping of Military Watches, as Far as it Relates to keeping of Military Watches, Shall be & hereby is Repealed to all Intents & Purposes, any thing in the said Act to the Contrary notwithstanding.

#### [CHAPTER 844.]

[Chapter 844 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for Naturalizing Mathien Thomas, Nicolas Tesson, Marie Tesson, Jean Piere Lebrieur, Charle Jullian, Francois Blanchard Moise Audier, Philip Grim, Jacob Christopher Forster, Peter Grim, Leonarat Riegeler, Johaness Van Dyck, Adam Ebert, Johaness Jurriaanse, William Braambos, Willemina Braambos, William Braambos Jun'r, John Garde & John George Cook.

[Passed, December 6, 1746.]

WHEREAS the above named Mathien Thomas, Nicolas Tesson, Marie Tesson, Jean Piere Lebrieur, Charle Jullian, Francois



Blanchard, Moise Audier, Philip Grim Jacob Christopher Forster, Peter Grim, Leonarat Riegeler, Johanes Van Dyck, Adam Ebert, Johanes Juriaanse, William Braambos Willemina Braambos, William Braambos Jun'r, John Garde & John George Cook have by their Petitions Presented to the General Assembly of the Colony of New York, desired That they might be Naturalized and become his Majesties Leige Subjects within the said Colony.

BE it Therefore Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above Named, Mathien Thomas, Nicolas Tesson, Marie Tesson, Jean Piere Lebrieur, Charle Jullian, Francois Blanchard, Moise Audier, Philip Grim, Jacob Christopher Forster, Peter Grim, Leonarat Riegeler, Johanes Van Dyck, Adam Ebert, Johanes Juriaanse, William Braambos, Willemina Braambos, William Braambos, Jun'r, John Garde, and John George Cook Shall be and hereby are Declared to be Naturalized to all Intents, Constructions and Purposes whatsoever, & From henceforth, and at all Times hereafter, Shall be Entitled to have and Enjoy all the Rights, Liberties, Previlidges and Advantages, which his Majesties Natural born Subjects in the said Colony, have & Enjoy, or ought to have and Enjoy, as fully to all Intents & Purposes whatsoever, As if the said, Mathien Thomas, Nicolas Tesson, Marie Tesson, Jean Piere Lebrieur, Charle Jullian, Francois Blanchard, Moise Audier, Philip Grim, Jacob Christopher Forster, Peter Grim, Leonarat Riegeler, Johanes Van Dyck, Adam Ebert, Joahnes Jurriaansc, William Braambos, Willemina Braambos, William Braambos Jun'r, John Garde, & John George Cook, had been born within his Majesties Colony of New York.

PROVIDED always and it is hereby further Enacted by the Same Authority, That they the said, Nathien Thomas, Nicolas Tesson, Marie Tesson, Jean Piere Lebrieur, Charle Jullian, Francois Blanchard, Moise Audier, Philip Grim Jacob Christopher Forster, Peter Grim, Leonarat Riegeler, Johanes Van Dyck, Adam Ebert, Johanes Jurriaanse, William Braambos, Willemina Braambos, William Braambos Jun'r, John Garde & John George Cook, Shall take the oaths appointed by Law, Instead of the Oaths of Allegiance and Supreamacy, Subscribe the Test, and make, repeat Swear to and Subscribe the Abjuration oath,

in any of his Majesties Courts of Record within this Colony, which oath the said Courts are hereby Required upon application to Them made to Administer, take Subscriptions and cause the Names of the Persons so Swearing and Subscribing, to be Entered upon Record in the said Court, And the said, Mathien Thomas, Nicolas Tesson, Marie Tesson, Jean Piere Lebrieur, Charle Jullian, Francois Blanchard, Moise Audier, Philip Grim, Jacob Christopher Forster, Peter Grim, Leonarat Riegeler, Johannes Van Dyck, Adam Ebert, Johannes Jurriaanse, William Braambos, Willemina Braambos, William Braambos Jun'r, John Garde and John George Cook, are each of Them hereby Required to Pay the Several Sums herein after Mentioned, That is to Say, To the Speaker of the General Assembly, The Sum of Ten Shillings, To the Judge of the Court, the Sum of Six Shillings, and to the Clerk of Such Court, the Sum of Three Shillings.

AND be it further Enacted by the Authority aforesaid, That if the said, Mathien Thomas, Nicolas Tesson, Marie Tesson, Jean Piere Lebrieur, Charle Jullian, Francois Blanchard, Moise Audier, Philip Grim, Jacob Christopher Forster, Peter Grim, Leonarat Riegeler, Johannes Van Dyck, Adam Ebert, Johannes Jurriaanse, William Braambos, Willemina Braambos, William Braambos Jun'r, John Garde, and John George Cook, Or Either of Them, having so Sworn & Subscribed as aforesaid, Shall Demand a Certificate, of his or their being duly Enter'd upon Record, in the manner herein before directed, the Court or Courts in which Such Oaths & Subscriptions, Shall be made, are hereby directed & Required to Grant such Certificates under the hand of the Judge & Seal of the said Court or Courts, in which oaths & Subscriptions as aforesaid, Shall be made, Countersigned by the Clerk of the said Court, For which Certificate Each of Them, shall Pay, over & above the Sums aforesaid, The sum of Six Shillings, one half to the Judge of Such Court, and the other half to the Clerk thereof, which Certificate or Certificates, Shall at all Times be to the Person or Persons therein named a Sufficient Proof of his her or their being Naturalized by virtue of this Act, in as full & Effectual a manner, as if the Record aforesaid was actually Produced by the Person or Persons so named in Such Certificate.

PROVIDED also & be it further Enacted by the Authority aforesaid that such of the Persons hereby Naturalized, as Shall



not take the oaths, Test & abjuration, in manner herein before Directed, within one year after the Publication hereof, Shall have no manner of Benefit of this Act, any thing therein contained to the Contrary notwithstanding.

[CHAPTER 845.]

[Chapter 845 of Livingston & Smith, where the act is printed in full. Chapter 845 of Van Schaack, where the title only is printed. See chapters 825 & 832.]

An Act for the more Effectual Collecting  
the Taxes laid by the Acts therein Mentioned.

[Passed, December 6, 1746.]

WHEREAS there are Several Sums of Money in Arrear & unpaid of the Thirteen Thousand Pound Tax, which were to be Raised & Collected in & by the Act Entituled an Act for Raising a Supply of the Sum of Thirteen Thousand Pounds by a Tax on Estates real and Personal, for the more Effectual Fortifying this Colony; For the emitting bills of Credit for the like Sum for the Immediate answering the Necessary Services, and for Sinking and Cancelling the said Bills, at the Several Short Periods therein mentioned, Passed in the nineteenth year of his present Majesties Reign.

BE IT ENACTED by his Excellency the Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Mayor, Recorder, and Aldermen; and the Assessors and Collectors of the City & County of New York; And the Supervizors Assessors and Collectors of all the other Several Counties, Cities, Towns, Mannors, Liberties & Jurisdictions in this Colony respectively for the Time being, Shall and are hereby Directed, Required and Impowered To assess Raise, Levy and Collect the Arrears of all or any of the said Tax of and from the Several & Respective Persons, in the Several and Respective Counties, Cities, Towns, Mannors, Liberties and Jurisdictions in this Colony, chargeable therewith, who have not paid all, or are Still in Arrear for the said Tax or any part thereof, according to the Tenor and Direction of this and the aforesaid Act, and the said Arrears so to be assessed, Raised, Levyed and Collected, Shall be paid unto the Treasurer of this Colony, within one Month after such Arrears shall be Collected to be by him Applied as the Monies in the Act aforesaid are ordered and Directed.

AND BE IT ENACTED by the Authority Aforesaid That the said Mayor, Recorder, and Aldermen, Supervizors, Assessors and Collectors respectively, Shall have the Same Powers, and Authorities; Previledges and advantages for the putting this Act in Execution; and be Liable to and undergo the Same Pains and Penalties in case of any omission, Neglect or Refusal, as the Mayor, Recorder, and Aldermen, Supervizors, Assessors and Collectors in the said Act are Invested with and liable to, as if the same were Particularly mentioned, and Expressed in this Act.

AND for as much as in the Act Aforesaid, and also in the Act Entituled an Act For Raising a Supply of Forty Thousand Pounds by a Tax on Estates Real and Personal, for carrying on an Expedition against the French in Canada; For emitting Bills of Credit for the like sum, and for Sinking & Cancelling the said Bills in Short Periods and for other Purposes there in mentioned, passed in the Twentyth year of his Majesties Reign. there are no Special Clauses of Distress, from whence have arisen disputes. For Prevention of which for the future Be it Enacted by the Authority aforesaid, That if any Person or Persons within this Colony, Shall Refuse, Neglect, or Delay to pay his, her, or their Assessment, Rate, or Proportion of the Tax aforesaid, or arrears thereof Pursuant to the Warrants and assessments delivered to the respective Collectors for that Purpose, For the Space of Six Days after Demand made by the said Collectors for the same, It shall and may be lawfull to and for the said Collectors, and They are hereby Enjoyned and required, to distrain the goods and Chattels of such Person or Persons So refusing, Neglecting, or Delaying to Pay, his, her, or their Proportion of the Tax aforesaid, and the Distress so taken, to keep for the space of Three Days, at the costs & charges of the owner thereof, and if the said owner do not pay the sum or Sums of money so Distrained for Together with the Costs and charges aforesaid, within the Space of the said three Days, Then the said Distress to be sold by the said Collectors at publick out Cry or vendue (giving Publick Notice thereof by Advertisement at least two Days before such Sale) For the Payment of the said Money together with the Costs and charges aforesaid, and the overplus if any be over and above the Sum so assessed, & Costs & Charges of taking, keeping and Selling the said Distress, to be Immediately returned to the Owner thereof.



## [CHAPTER 846.]

[Chapter 846 of Livingston & Van Schaack where the title only is printed. Expired December 1, 1747.]

An Act for the Payment of the Salaries,  
Services & Contingencies therein Mentioned,  
Until the first Day of September one Thou-  
sand Seven Hundred and Forty Seven.

[Passed, December 6, 1746.]

BE IT ENACTED by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Treasurer of this Colony, Shall be, and hereby is Directed out of the Interest Money arisen or to arise by virtue of an Act, Entituled an Act, For the Fmitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purposes therein Mentioned, Passed in the Eleventh year of his Majesties Reign, and out of the Monies Arisen or to Arise by the Duties & Impositions Granted by an Act, Entituled an Act For and Towards Supporting the Government of this Colony, by Granting to his Majesty the Duties therein Mentioned, from the first Day of December one Thousand Seven Hundred & Forty, To the first Day of December, one Thousand Seven Hundred & Forty one, And out of Monies arisen or to arise, by virtue of the Several Subsequent Acts for the Continuance of the Act Last aforesaid, until the first Day of December which will be in the Year of our Lord one Thousand Seven Hunderd & Forty Seven, And out of the Monies arisen or to arise by virtue of an Act Entituled an Act, to Restrain Hawkers & Pedlars within this Colony, From Selling without Lycence; To pay at the Times and in the manner hereinafter Directed, the Several Sallaries & Allowances following (viz't)

To his Excellency the Governour, for administring the Government of this Colony, From the first Day of September Last, To the first Day of September next, after the Rate of Fifteen Hundred & Sixty Pounds Per Annum.

TO his Said Excellency the Governour For House Rent, from the first of September Last, to the first of May next after the Rate of one Hundred Pounds per Annum.

To John Van Renselaer for Providing & Furnishing Fire wood & Candles for the Garrisons in the Forts at Albany, Scheneec-

tady and Fort Hunter, From the first Day of September Last, To the first Day of September next The Sum of Three Hundred & Eighteen Pounds.

TO the Commissioners for Indian Affairs at Albany for Their Disbursements and Expences, to and concerning the Six Nations and other Indians, and for Presents to Them, as occasion may Require for the Publick Service of the Colony, and to confirm them in the Brittish Interest, From the first of September Last, To the first of September which will be in the Year of our Lord, one Thousand Seven Hundred and Forty Seven, The Sum of one Hundred & Seventy Pounds, and for Extraordinary Incidents at this Critical Juncture, The further Sum of Eighty Pounds.

TO Jacobus Bleeker for his Sallary as Indian Interpreter, & for all other Services That he has been or may be Directed to do by the Governour, or Commissioners for Indian Affairs, From the first of September Last, To the first of September, which will be in the Year of our Lord, one Thousand, Seven Hundred & Forty Seven, The Sum of Ninety Pounds, and after that Rate if by Death or otherwise, He should not Perform that Service to the Time Last Mentioned.

TO the said Jacobus Bleeker for his Extraordinary Service for the Year Past, the Sum of Ten Pounds.

TO the Reverend Henry Barclay for Arrears due to him for his Service among the Six nations of Indians, The sum of Twenty Pounds.

TO James Delancey Esq'r as chief Justice of the Supreme Court of this Colony, and for his going the Circuits, in the Several Counties thereof, From the first Day of September Last, To the first Day of September, which will be in the Year, of our Lord, one Thousand Seven Hundred & Forty Seven, The Sum of Three Hundred Pounds; and after that Rate if by Death or otherwise He should not hold That post to the Time last mentioned.

TO Frederick Philipse Esq'r as Second Justice of the said Supreme Court, and for his going the Circuits, From the first of September Last, To the first of September, which will be in the Year of our Lord, one Thousand Seven Hundred & Forty Seven, The sum of one Hundred Pounds, and after that Rate if by Death or otherwise he should not hold that Post so long as to the Time last mentioned.



TO Daniel Horsmanden Esq'r as Third Justice of the said Supreme Court, and for his going the Circuits, when there Shall happen to be occasion for it From the first of September Last, To the first of September, which will be in the Year of our Lord, one Thousand Seven Hundred & Forty Seven, The sum of Fifty Pounds, and after that Rate if by Death or otherwise, he should not hold that Post to the Time last mentioned.

To the said Daniel Horsmanden for his Extraordinary Service for this Colony, The sum of Fifty Pounds.

To the Secretary of this Colony for the Time being, for Engrossing & Enrolling the Acts of the General Assembly, From the first of September Last, to the first of September next, The Sum of Thirty Pounds.

TO the Clerk of the Council for the Time being, For his Service & Attendance on the Council, During the Setting of the General Assembly, For Drawing of Warrants, and for all other Publick Services, Performed, or to be Performed by him, in that Station, From the first of September Last, To the first of September next, The sum of Thirty Pounds.

TO the Door Keeper of the Council for the Time being, For his Services in that Station, From the first of September Last, To the first of September next, The sum of Twenty Pounds.

TO James Parker as Publick Printer, For printing, the votes Proceedings and Acts of the General Assembly, and Delivering a Compleat Set thereof, To the Governour & each of the Members of the Council and General Assembly, as Likewise a Sett of Acts to each of the County Clerks, and to Each of the County Treasurers, For the use of the Supervizors, and for Printing Proclamations, and all other Publick Acts of the Government, From the first of September Last, To the first of September next, At the Rate of Fifty Pounds per Annum.

TO the said James Parker for his Extraordinary Services the further Sum of Twenty Pounds.

TO Adolph Brass as Land & Tide Waiter of the Colony Dutys, or to the Land & Tide Waiter thereof for the Time being, From the first of September Last, To the first of September next at the Rate of Thirty Pounds per Annum.

TO John Kip for his Services as Ganger of Liquors Subject to the said Duty's, or to the Ganger thereof for the Time being, From the first of September Last, To the first of September next, at the Rate of Thirty Pounds per Annum.

TO Samuel Brown for his Services in taking care of the Cannon and the Several Batteries, in the City of New York From the first of September Last, To the first of September next after the rate of Twenty Pounds pr Annum

TO William Fryer, Everet Seegar, Jacobus Van Velkenberg and Lambert Cole, For their Service in coming express from Albany to New York, by Order from the Commissioners for Indian Affairs in November Last, The sum of Six pounds.

To William Fryer, Isaac Verplanck, Masten Hogen, and Peter Jones For the Hire of a Bato, and their Service in coming express from Albany to New York by order from the commissioners aforesaid, in May last, the sum of Six pounds, Five Shillings & Three pence.

To Rebecca Bratt, Widdow of Hendrick Bratt, For the Service of the said Hendrick Bratt, in coming express from New York to Albany four Times in one Thousand Seven Hundred & Forty five, one Thousand Seven Hundred & Forty Six, by order from the Commissioners aforesaid The sum of Twenty Pounds.

To Anthony Bratt for Fire wood by him Delivered for the use of the Garrison in the Barracks in the first Ward at Albany, The Sum of Five Pounds Fifteen Shillings.

To Waldron Clute for Fire Wood by him Delivered for the use of the Garrison in the Barracks in the Second Ward at Albany, the Sum of Five Pounds Eight Shillings.

To Guisbert Vandenberg for Furnishing fire wood by him Delivered for the use of the Garrison in the Barracks, in the Third Ward at Albany, the Sum of Five pounds Seven Shillings & Six pence.

TO Myndert Wemple & company for their Services at Smiths in THE Senecas Country from the first of September one Thousand Seven Hundred & Forty five, To the first of September, one Thousand Seven Hundred & Forty Six, The Sum of Seventy five Pounds.

To George Duncan Clerk of the General Assembly, or to the Clerk thereof for the Time being, for his Services in that office, and for Engrossing all Publick Acts & Furnishing Paper, from the first of September Last, To the first of September next, Twelve Shillings per Diem Payable upon a Certificate of the General Assembly Signed by the speaker for the number of Days which he has Served or may Serve the General Assembly.

TO the said George Duncan for his Extraordinary Services to the General Assembly, The sum of Twelve Pounds.



To Alixander Lamb for his Services as Door Keeper of the General Assembly, or to the Door Keeper thereof for the Time being, From the first of September Last, To the first of September next, Five Shillings per Diem payable upon a Certificate From the General Assembly, signed by the Speaker, for the Number of Days he has Served or may Serve the General Assembly.

To the said Alixander Lamb, For his Extraordinary Services & Sundry Disbursements For the use of the General Assembly, The Sum of Forty four Pounds nineteen Shillings.

To Abraham De Peyster Esq'r Treasurer of this Colony, or to the Treasurer thereof for the Time being, For his Services in that Station, From the first of September Last, To the first of September next, after the Rate of Two Hundred Pounds pr Annum TO the said Treasurer for the Extraordinary Services, which he is now obliged to Perform beyond the usual Duty of his office The sum of one Hundred Pounds.

TO Matthias Van Dike for keeping the Battery and the Guns Clean on the Battery at Red Hook The Sum of Five pounds.

AND for the due & orderly Payment of the Several Articles allowed in this Act, be it Enacted by the Authority aforesaid, That the following Allowances, Shall be upon Warrants, Issued in Council, signed by the Governour or Commander in Chief, for the Time being, by & with the Advice and consent of the council at the Respective Times herein mentioned, That is to Say.

The Articles to his Excellency; for his Sallary & House Rent; To the Three Justices of the Supreme Court; To the Indian Interpreter; For fire wood for the Garrisons of Albany, Schenectady & Fort Hunter, To the Secretary; To the Clerk of the Council; To the Door Keeper of the Council; To the Printer; To the Land & Tide Waiter; To the Guager; and to Samuel Brown quarterly From the first of September Last; And the Article for the Commissioners of Indian Affairs after the Thirteenth of June next.

BE it Enacted by the authority aforesaid That every Such Warrant & Warrants as aforesaid, Issued at the Time and Times above mentioned for the Respective Sum & Sums of money allowed in this Act, Shall be paid by the Treasurer, out of Monies hereby applied for that Purpose, To the Person or Persons, to whom the same shall be made Payable, or to his or their Assigns; and his or their Receipt thereon, shall be to the said Treasurer, a good Voucher & Discharge in Law, for so

much as shall thereby be Acknowledged to have been received Provided the Same do not Exceed the respective Sum or Sums allowed in this Act.

BE it provided and Enacted by the Authority aforesaid, That if his said Excellency, shall happen to Die, or be Superceded in the Administration of this Government, or that any of the before Mentioned officers, shou'd happen to Die, or be Removed from their Respective offices before the first Day of September which will be in the Year of our Lord one Thousand Seven Hundred & Forty Seven, Warrants may be Issued in manner as aforesaid, for so much only, out of their respective Sum or Sums Allowed in this Act, as at the Time of Such Death Super-se-dure or Removal Shall bona fide be then due to him or Them; And if Such Warrant or Warrants Shall not Exceed Such Ar-rear, the Treasurer is to Pay the Same to such officer or officers Respectively, or to his or their Executors, Administrators or Assigns; and the Remainder of Such Allowance or Allowances, shall be kept in the Treasury, till dispos'd of by Act or Acts hereafter to be passed for that Purpose.

BE it Enacted by the Authority aforesaid, That if by mistake or otherwise, any Warrant or Warrants might Issue in Manner as aforesaid for any matter or Thing, not provided for in this Act, or Exceeding the respective Sum or Sums allowed in it, and that the Same should be Tendered for Payment to the Treasurer, he is hereby Strictly charged & required not to pay the same; and if any Suit or Suits, should be brought against him for such Refusal, he is to plead the General Issue and give this Act in Evidence, and if a verdict pass for the Defendant, or the Plaintiff be nonsuit, or forbear Prosecution, the Defendant shall have treble Costs; To be recovered as in other Cases where Costs are given by Law to Defendants. BE it Enacted by the Authority aforesaid, That the Allowances to the Clerk & Door keeper of the General Assembly, Shall be paid by the Treasurer, upon their producing the Certificates herein before mentioned, & their respective Receipts thereon shall be to the said Treasurer a good Voucher & Discharge for so much as shall be therein acknowledged to have been Received, Provided the same do not exceed the Rates hereby Severally allowed to each of them.

AND that the following Allowances (viz't) The additional Allowance, To Daniel Horsmander Esq'r; the Reverend Henry



Barclay; To Jacobus Bleeker; To William Fryer, Evert Seegar, Jacobus Van Valkenberg & Lambert Cole; To William Fryer, Isaac Verplank, Marten Hogan & Peter Jones; To Anthony Bratt; To Waldron Clute; To Guisbert Vandenberg; To Myn-derta Wemple & Company; To Rebecca Bratt, To Mathias Van Dyck; the Additional Allowance to George Duncan & Alixander Lamb, Shall be paid by the Treasurer to them respectively, in the manner directed by this Act, & their Respective Receipts Shall be a Discharge to the Treasurer for the same, And that the Sum of Three Hundred Pounds allowed to the Treasurer, Shall be a good Discharge to him for so much in his accounts.

BE it Enacted by the Authority aforesaid, That when all the Several Articles allowed in this Act, Shall be paid & Discharged in the manner therein Directed, out of the monies hereby applied for that Purpose, all the Remainder of the said Monies shall be kept in the Treasury, until the same, Shall be applied & Disposed of to & for, the Support of this Government, by Act or Acts hereafter to be Passed for that Purpose.

AND be it Enacted by the Authority aforesaid, That the Treasurer Shall keep Exact Books of the Several Payments, which by this Act, he is directed to make, and render true accounts thereof upon oath to the Governour or Commander in Chief for the Time being, to the Council, or to the General Assembly, when by them or any of them thereunto required.

[CHAPTER 847.]

[Chapter 847 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for making further Provision for the Victualling of His Majesties Troops raised within this Colony for the Expedition against Canada; And for other the Publick Services therein mentioned.

[Passed, December 6, 1746.]

WHEREAS the Provision already made for the Victualling his Majesties Troops raised within this Colony for the Expedition against Canada, as matters are now circumstanced by the Disappointment of the Brittish Fleet & Forces expected to have arrived in these parts in Time, to have aided these Colonys in an Attack upon the Enemy in that Quarter the last

Summer, And the winter Season being now so far advanced that it is conceived it will be necessary for the said Troops to be put into winter Quarters, whereby a further Provision becomes necessary to be made for their Subsistence, And the General Assembly being most dutifully & zealously disposed fully to Answer his Majesties Expectations of his Loyal Subjects of this Colony upon this Important Occasion.

BE IT THEREFORE ENACTED by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, that Major Cornelius van Horn, & Captain Paul Richard shall be & hereby are appointed commissioners, for the Purchasing and Furnishing Provisions for the Subsistence of the Troops raised within this Colony for the intended Expedition against Canada.

AND be it further Enacted that the Treasurer of this Colony Shall and doe out of the Residue of the monies Remaining in his hands, by virtue of an Act Entitled An Act for raising a Supply of Forty Thousand Pounds, by a Tax on Estates real and personal for carrying on an Expedition against the French in Canada, for emitting Bills of Credit for the like sum, and for sinking & cancelling the said Bills in Short Periods & for other Purposes therein Mentioned, Pay the Several Sums following, To wit, UNTO the said Cornelius Van Horn & Paul Richard Immediately after the Publication of this Act, The Sum of Four Thousand, Seven Hundred Pounds, which Sum They are to Employ for the Purchasing of Three Hundred & Eight Barrels of Pork, Three Hundred & ninety Barrels of Beef, one Hundred & Fifty Six Thousand Weight of Bread, Two Thousand, Two Hundred & Ninety Three Bushels & a half of Pease, Twenty four Casks of Rice, and Five Thousand, Three Hundred & Sixty Seven Gallons of Rum for the Victualling the Forces that are Raised in this Colony for the Expedition aforesaid, For one Hundred & Twenty Days, and the Same Provisions they the said Cornelius Van Horn & Paul Richard, Shall cause to be Transported to Albany, There to be Delivered to Mr. Derick Ten Broeck, and Mr John Cuyler, who Shall be & hereby are appointed Commissioners at Albany, For the Receiving & taking care of the said Provisions, for the said Forces raised within this Colony, who Shall there, after the Twenty fourth of January next, Issue & deliver the Same to the Several Captains of the Respective Companies of the said Forces



from time to time, according to the Proportion or Number of Men actually in Service, & to and for no other use Intent or Purpose whatsoever, after the following Rates (viz't) Three quarters of a pound of Pork or one pound of Beef, one pound of Bread, one pint of Pease, or one pint of Rice, & one Gill of Rum for each Man per Diem, For the number of Days aforesaid, UNTO the said Cornelius Van Horn & Paul Richard, For the Purchasing of one Hundred & Eighty Blankets, For the use of the one Hundred & Eighty Men of the Forces Raised in this Colony, To go on the said Expedition, who have not yet been Provided with Blankets, Pursuant to an Act Entitled an Act, For the Encouraging of Voluntiers to Inlist into his Majesties Service upon the Expedition against Canada, The Sum of one Hundred and Ninety Four Pounds.

And unto the said Cornelius Van Horn & Paul Richard the Sum of Two pounds ten Shillings on every Hundred Pounds by them laid out in Pursuance of this Act as a Recompense for their Care & Trouble in the Performance of the Service which is hereby Enjoyed Them.

AND be it further Enacted That they the said Cornelius Van Horn and Paul Richard, before they receive any part of the moneys hereby directed to be paid to them, Shall enter into a Recognizance unto our Sovereign Lord the King his heirs & Successors, before one of the Judges of the Supreme Court of this Colony to the following Effect, that is to Say, Each of Them in the penal Sum of Two Thousand, Three Hundred & Fifty Pounds with two Sufficient Sureties, each in half that Sum, conditioned That they shall well & truly each for his part Employ & apply the monies so by them to be Received as aforesaid to and for the Purposes directed by this Act, and well & duly observe doe and Perform all the Directions hereby required to be observed done and Performed by them according to the true Intent and meaning hereof, and the Judge before whom such Recognizance shall be taken, Shall cause the Same first to be Recorded in the minutes of the said Court, & then Lodged in the Treasury.

AND be it further Enacted, That if either the before named Cornelius Van Horn, or Paul Richard fail in Employing & applying the Money so by them to be Received in the manner and for the Respective uses directed by this Act, or omit to observe do & perform what is hereby Required of Them to be

observed done & Performed, That then & in such case the said Recognizance or Recognizances Shall be Proceeded upon in Due form of Law, against the offender or offenders or his or their Suretys, in the Supreme Court of this Colony wherein no Essoyn, Protection or wager of Law, or any more than one Imparlance Shall be allowed, and the money Recovered in consequence thereof Shall be paid unto the Treasurer of this Colony, to be applyed to and for Such uses as Shall be hereafter directed by Act or Acts to be Passed for that Purpose.

AND be it further Enacted That of the due Disposition and application of the Several Sums before mentioned, The said Cornelius Van Horn & Paul Richard Shall keep exact Books & Render true, and Distinct Accounts thereof upon oath, to the Governour or Commander in Chief for the Time being, To the Council or General Assembly when by Them or any of them thereunto Required.

AND be it further Enacted That if Either of them the said Cornelius Van Horn or Paul Richard, Shall happen to Dye, Remove out of this Colony or Refuse to Act according to the Several Powers hereby directed to be Executed by them, It shall and may be Lawfull for the Governour or Commander in chief for the Time being by and with the advice and consent of at Least five of his Majesties Council, to nominate and appoint Some other fit Person or Persons in the Place & Stead of him or them so dying, Removing or Refusing to Act as aforesaid, any thing herein to the Contrary notwithstanding. PROVIDED that the Person or Persons so appointed, shall be obliged to enter into the like Recognizances with the like Sureties as is herein directed to be done by the said Cornelius Van Horn & Paul Richard, before he or they shall be Entitled to receive any part of the money before mentioned, and shall in all other respects, be as Subject to observe doe and perform the Several Directions of this Act, as if he or they had been named or appointed in it.

AND be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever Shall under any pretence or Colour whatsoever, Take, Seize or carry away any of the aforesaid Provisions otherwise than according to the Express Directions of this Act, Every Such Person & Persons, and every of their aiders, assisters & Abettors, Shall Respectively forfeit and Pay for every Such offence Double the Value of all and



Every or any of the said Provisions, So taken Seized or Carried away, To be recovered with full Costs of Suit, by the said Commissioners, or Either of them, in their or either of their own Name or Names, in any Court of Record within this Colony by Bill plaint or Information, wherein no Essoyn, Protection or Wager of Law, or any more than one Impar lance shall be Allowed, which Forfeitures when Recovered, though in the name or names of the said Commissioners or either of Them, Shall be paid & applyed, one half thereof to the said Commissioner, or Commissioners in whose name or names the Same Shall be Recovered, and the other half to the Treasurer of this Colony To be applyed in Such Manner as by Act or Acts hereafter to be Passed for that Purpose, Shall be directed.

AND be it further Enacted, That if it shall happen That the said Commissioners, or Either of them, Shall at any Time neglect or Delay to commence his or their Action or Actions against all and every Person or Persons who shall offend in the Premises, within one month next after Such Offence or offences Shall be Committed, and Shall not doe their utmost Endeavour to Prosecute the Same to Effect the said Commissioner or commissioners, so neglecting, or Delaying, Shall make good in money out of his or their own Estate or Estates as the Case may happen To the full Value of the Provisions which shall be so Seized taken or carried away, To be Recovered by the Treasurer of this Colony, in his own Name with full costs of Suit, by Bill Plaint or Information, in any Court of Record within this Colony wherein no Essoyn Protection or wager of Law, or any more than one Impar lance Shall be allowed, which money when Recovered Shall be paid into the hands of the said Treasurer, and be by him applyed in such manner, as by any Act or Acts hereafter to be made for that Purpose Shall be Directed and appointed.

AND be it further Enacted by the authority aforesaid That in case the Forces Raised on the Expedition against Canada, Shall happen to be Disbanded or Dismissed from the said Service before the aforesaid Provisions be Expended, Then & in Such case the said Cornelius Van Horn & Paul Richard, and in case of the Death or Removal of both, or Either of them, Such other Person or Persons as Shall be appointed in his or their Stead, Shall be & hereby are Impowered & Required, To Sell on Account & for the Benefit of this Colony, all Such of the afore-

said Provisions, as Shall at the Time of Such Disbanding or Dismission remain in the Custody of the aforesaid Derick Ten Broeck & John Cuyler, and all the monies arising by Such Sale, They shall Pay into the Treasury of this Colony, there to Remain until the Same Shall be Disposed of by Act or Acts hereafter to be Passed for that Purpose.

And be it further Enacted by the Authority Aforesaid That the Treasurer Shall out of the Remainder of the monies Lodg'd in his hands, by virtue of the aforesaid Act, Pay the Several Sums following (viz't) Unto Mr Derick Ten Broeck & Mr John Cuyler, the Sum of Three Hundred & Sixty Pounds, To be by them Employed & applyed in Paying the Additional Bounty, of Forty Shillings to the one Hundred & Eighty Voluntiers Raised in this colony on the said Expedition who have not yet Received the said Bounty, which Shall be paid unto Each of Them, upon a certificate from the Several Captains under whose Command they may be according to the Directions of an Act Entitled an Act for the Encouraging of Voluntiers to Inlist into his Majesties Service upon the Expedition against Canada, and of the due Disposition & application of the said Sum, the said Derick Ten Broeck & John Cuyler Shall render true & distinct accounts upon oath, to the Governour, or Commander in chief for the Time being, the Council, or the General Assembly when by them or any of them thereunto Required.

UNTO Captain John Waldron for his care & Service as Keeper of the Colony Stores of War in the City of New York, for the Term of one year, From the Twenty first day of September Last, and as head Gunner of the Cannon on the Batteries of the said City, and for the Exercise & Management thereof Every Fourteen Days, or Three Weeks at Longest, during Eight months in the said Year, or to Such Store Keeper & head Gunner, for the Time being, as Shall Perform the said Services, The sum of Thirty Pounds, and to the said Captain Waldron or the head Gunner for the Time being, The further Sum of Thirty Pounds, To and for the Encouragement & Benefit of Nine Mattroses out of the Artillery Company, who have Freely offered & undertaken Personally to Attend and Assist in the Exercise and Management aforesaid during the Terra and at the Time & Times above mentioned, To wit, Peter Low, William Hammersly, Henry Row, Richard Durham, Thomas Vater, John Leak, John Richard Daniel Styles and John Lush, And if any of them happen to Die



Remove out of the Colony, or Neglect, or Refuse to Perform the said Services in manner aforesaid, The place or places of Such are to be Supplied by Such Voluntiers out of the said Company, as Shall be approved of by the Governour, or Commander in Chief for the Time being, and that the said monies be paid at the Expiration of the Term, To the said John Waldron or Head Gunner, and the said John Waldron and Mattroses Shall be obliged to do Personal Duty as Gunners in case of an Invasion.

Unto Robert Robinson for victualling the Foot Company Raised in the County of Suffolk on the Expedition against Canada, in their Passage from the said County, To the City of New York, The sum of Twenty Three Pounds, Eleven Shillings & four Pence.

UNTO Catherine Pamyter for a House Hir'd by the Joint Committees of the Council & the General Assembly, For the accommodation of Brigadeer General Gouch, The Sum of Twenty Three Pounds, Eight Shillings.

UNTO Captain Arent Bradt for the Payment of outscouts Sent from Schenectady, The sum of one Hundred & Fifty Pounds.

UNTO Adam Lawrence High Sheriff of Queens County for Receiving Boarding & Attending Eight French Prisoners, From the Third of June last to the Fourteenth of July following, The Sum of Twenty two Pounds Nineteen Shillings and Three Pence.

UNTO John Ayscough Late high Sheriff of Kings County for Receiving Boarding & Attending Twenty one French Prisoners, From the Sixth of June last to the Fifteenth of July following, the Sum of Eighty Eight Pounds Eighteen Shillings & two Pence, in full of his account of Eighty nine Pounds, Twelve Shillings & two Pence

AND UNTO John Myer Serjeant at Arms for his Services in Attending the General Assembly, The Sum of Five Pounds.

AND be it Enacted by the Authority aforesaid, That Colonel Phillip Schuyler & Major Edward Collins, Shall & they are hereby Impowered & Required out of the Surplusage of money Put into their hands by virtue of the ACT aforesaid, For the Payment of the Men detached in May & June last for the Security of the Frontiers, To pay the following Sums of money to the Persons, and for the purposes following (viz't) To Isaac Staats

Anthony Van Schaick & Bernardus Bradt; For the Payment of Eighty Men officers included who Served as Rangers or outscouts, on the northern Frontier in May & June last, For Forty Three Days, at the following Rates (viz't) To one Captain Six Shillings per Diem, To two Lieutenants Four Shillings per Diem each, and to Seventy Seven Private Men Two Shillings & Six pence per Diem Each.

AND be it Enacted by the Authority aforesaid, That the Receipts of the Several Persons for the Several & Respective Sums before mentioned Shall be to the Treasurer a good Voucher & Discharge for the same.

AND be it further Enacted by the Authority aforesaid, That the Treasurer Shall keep Exact Books of the Several Payments, which by this Act he is directed to make, and to Render true and Distinct Accounts thereof upon oath to the Governour, or Commander in Chief for the Time being, to the Council, or to the General Assembly, when by them or any of them thereunto required.

#### THE TWENTY-FOURTH ASSEMBLY.

##### *Fifth Session.*

(Begun Mch 24, 1747, 20 George II, George Clinton, Governor.)

##### [CHAPTER 848.]

[Chapter 848 of Livingston & Smith and Van Schaack, where the title only is printed.]

'An Act for Purchasing a further Supply of Provisions for Victualling the Forces raised in this Colony on the Expedition against Canada, for Providing for the Payment of one Hundred Rangers, and other Purposes therein Mentioned.

[Passed, April 29, 1747.]

BE IT ENACTED by his Excellency the Governour, the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, that the Treasurer of this Colony, Shall out of the monies remaining in his hands by virtue of an Act, Intituled an Act, for Raising a Supply of Forty Thousand Pounds, by a Tax on Estates real & Personal, for carrying on an Expedition against the French in Canada; for emitting bills of Credit for the like Sum, and for Sinking & cancelling the said



bill's in short Periods, and for other purposes therein mentioned, Pay the Several Sums following (viz't)

UNTO Cornelius Van Horn and Paul Richard commissioners for Purchasing Provisions for the Subsistence of the Forces raised in this Colony on the Expedition against Canada, upon their demand, the Sum of Two Thousand, Three Hundred and Eighteen Pounds, To be by Them imployed in the purchasing of one Hundred and Sixty Nine Barrels of Pork, Two Hundred and Twenty Five Barrels of Beef, Ninety Thousand weight of Bread, one Thousand four Hundred and Six Bushells of Pease, Two Thousand Eight Hundred and Thirteen Gallons of Rum, and Two Hundred Gallons of Vinegar, For victualling the said Forces for ninety Days; And the same Provisions They the said Cornelius Van Horn and Paul Richard, Shall cause to be Transported to Albany there to be delivered to Derick Ten Brook and John Cuyler Commissioners for Receiving and taking care of the Provisions for the said Forces, who shall, there after the Twenty fourth Day of may next Issue & Deliver The Same to the Several Captains of the respective companies of the said Forces from Time to Time according to the Proportion or Number of Men actually in Service, and not otherwise, after the following Rates (viz't) Three quarters of a Pound of Pork, or one Pound of Beef, one pound of Bread, one pint of Pease & one Gill of Rum for each Man per Diem for the Number of Days aforesaid.

UNTO the said Cornelius Van Horn & Paul Richard for Transporting the said Provisions to Albany the Sum of one Hundred & Fifty Pounds.

AND UNTO the said Cornelius Van Horn & Paul Richard, the Sum of Two pounds ten Shillings on every Hundred pounds by them laid out in Pursuance of this Act, as a Recompence for their care & trouble in the Performance of the Service which is hereby Injoynd Them.

AND be it further Enacted by the Authority aforesaid that upon the Arrival at Albany of the General, who is or may be appointed by Commission from his Majesty to command the Forces in chief on the Expedition against Canada by Land, the said Derick Ten Brook & John Cuyler, are hereby directed & required to deliver unto such Person or Persons, as by the said General shall be appointed for that purpose, all Such Provisions of every kind as shall then be remaining in their hands to be

by his or their Direction employ'd for the use of the Forces raised in this Colony on the said Expedition, and to no other use or Purpose whatsoever.

AND be it further Enacted, That the said Cornelius Van Horn & Paul Richard, before they receive any part of the mony's hereby directed to be paid to Them, Shall enter into a Recognizance unto our Sovereign Lord the King, his heirs & Successors before one of the Judges of the Supreme Court of This Colony, To the following Effect, That is to Say, Each of them in the Penal Sum of Two Thousand, four Hundred & Sixty Eight Pounds, with two Sufficient Sureties each in half that Sum, conditioned, That they shall well & truly, each for his part, Employ & apply the monies so by them to be received as aforesaid, to & for the Purposes directed by this Act; and well & duly observe do & perform all the Directions hereby required to be observed, done & performed by them, according to the true intent & meaning hereof; and the Judge before whom such Recognizance shall be taken, shall cause the Same first to be recorded in the Minutes of the said Court, and then Lodged in the Treasury.

AND be it further Enacted, That if either the before named Cornelius Van Horn, or Paul Richard, fail in employing & applying the Money so by them to be Received in the manner & for the respective uses directed by this Act, or omit to observe do & perform what is hereby required of them to be observed done & performed; That then & in Such case the said Recognizance or Recognizances shall be proceeded upon in due form of Law, against the offender or offenders, or his or their Sureties in the Supreme Court of this Colony, wherein no Essoyn Protection, or wager of Law, or any more than one Imparlenace Shall be allowed, and the money Recovered in Consequence thereof shall be paid unto the Treasurer of this Colony, to be applyed to & for such uses as shall be hereafter directed by Act or Acts to be passed for that Purpose.

AND be it further Enacted that of the Due disposition & application of the Several Sums before mentioned, the said Cornelius Van Horn & Paul Richard, Shall keep exact Books, and Render true & Distinct accounts thereof upon oath, to the Governour or Commander in Chief for the Time being to the Council or General Assembly, when by Them or any of them thereunto required.



AND be it further Enacted, That if Either of them the said Cornelius Van Horn or Paul Richard, shall happen to Die, remove out of this Colony, or refuse to Act according to the Several Powers hereby directed to be Executed by Them; it shall & may be Lawfull for the Governour or Commander in Chief for the Time being, by & with the advice & consent of at Least five of his Majesty's Council, to nominate & appoint Some other fit Person or Persons in the Place & stead of him or Them, so dying, removing, or refusing to act as aforesaid, any thing herein to the contrary notwithstanding, Provided that the Person or Persons so appointed, shall be Obligated to enter into the like Recognizances, with the like Sureties, as is herein directed to be done by the said Cornelius Van Horn & Paul Richard, before he or they shall be Intitled to receive any part of the money before mentioned; and shall in all other Respects, be as Subject to observe, do & perform the Several Directions of this Act, as if he or they had been named or appointed in it.

AND be it further Enacted by the authority aforesaid That if any Person or Persons whatsoever, shall under any Pretence or colour whatever, take, Seize or carry away any of the aforesaid Provisions, otherwise than according to the Express Directions of this Act; every such Person and Persons, and every their Aiders, Assisters & Abettors, shall respectively forfeit & Pay for Every Such offence, double the value of all & every or any of the said Provisions so taken, Seized, or carried away; to be recovered with full costs of suit by the said commissioners, or either of Them, in their or either of their own Name or Names in any Court of Record within this Colony, by bill, plaint or Information, wherein no Essoyn, Protection, or wager of Law, or any more than one Imparlance shall be allowed; which Forfeitures when recovered though in the Name or Names of the said Commissioners, or either of them Shall be paid & applyed, one half thereof to the said Commissioner or Commissioners, in whose Name or Names the Same shall be recovered: and the other half to the Treasurer of this Colony, to be applyed in such Manner as by Act or Acts hereafter to be Passed for that purpose shall be Directed.

AND be it further Enacted, That if it shall happen that the said Commissioners, or either of them, Shall at any Time neglect or Delay to commence his or their Action or Actions, against all & every Person or Persons who Shall offend in the Premises,

within one Month next after Such offence or offences shall be committed, and shall not do their utmost Endeavours to Prosecute the Same to Effect, the said Commissioner or Commissioners so neglecting or Delaying, Shall make good in Money, out of his or their own Estate or Estates, as the case may happen, to the full Value of the Provisions, which Shall be so Seized, taken, or carried away; to be recovered by the Treasurer of this Colony, in his own Name with full Costs of Suit, by Bill, Plaint, or Information in any Court of Record within this Colony, wherein no Essoyn Protection, or Wager of Law, or any more than one Imparlance Shall be allowed, which money, when recovered, Shall be paid into the hands of the said Treasurer, & be by him applyed in such Manner, as by any Act or Acts hereafter to be made for that Purpose shall be Directed & Appointed.

AND be it further Enacted by the Authority aforesaid, That in Case the Forces raised on the Expedition against Canada, Shall happen to be disbanded or dismissed from the said Service, before the aforesaid Provisions be Expended; then & in such Case the said Cornelius Van Horn & Paul Richard; and in case of the Death or Removal of both, or Either of them, Such other Person or Persons as Shall be appointed in his or their Stead: Shall be & hereby are Impowered & required, to Sell on Account & for the benefit of this Colony, all Such of the aforesaid Provisions, as Shall at the Time of Such Disbanding or Dismission, remain in the Custody of the aforesaid Derick Ten Brook & John Cuyler; and all the monies arising by Such Sale, They shall pay into the Treasury of this Colony, there to remain until the Same, Shall be Disposed of by Act or Acts hereafter to be Passed for that Purpose.

AND be it further Enacted by the authority aforesaid, That the Treasurer Shall out of the remainder of the monies Lodged in his hands by virtue of the aforesaid Act, pay the Several Sums following (viz't)

UNTO Derick Ten Brook & John Cuyler the Sum of Five Hundred & Eighty Five pounds, to be by Them Employed in the Payment of Fifty Effective Men officers included, who are to Range & Scour the woods on the West side of Hudsons River in the County of Albany, for the Space of Ninety Days; which said Rangers they are hereby directed to Pay weekly, at the following Rates, (viz't) To one Captain Six Shillings per Diem,



To one Lieutenant Four Shillings per Diem, and to Forty Eight private Men, Two Shillings & Six pence pr. Diem each, Deduction being to be made for any Deficiency in that Number.

UNTO the said Derick Ten Brook & John Cuyler the Sum of two Pounds Ten Shillings on Every Hundred Pounds by Them paid out in pursuance of this Act, as a Recompence for their care & Trouble therein

UNTO Cornelius Van Schaak the Sum of Five Hundred & Eighty five pounds, to be by him employ'd in the Payment of Fifty Effective Men Officers included who are to Range & Scour the Woods on the East Side of Hudsons River in the County of Albany for the Space of Ninety Days, which said Rangers, he is hereby directed to Pay weekly, at the following Rates (viz't) To one Captain Six Shillings pr. Diem, To one Lieutenant four Shillings per Diem, and to Forty Eight private Men, two Shillings & Six pence per Diem each Deduction being to be made for any Defecency in that Number.

UNTO the said Cornelius Van Schaak the Sum of Two Pounds Ten Shillings, On every Hundred pounds by him paid out in Pursuance of this Act, as a Recompence for his care & Trouble therein.

AND be it further Enacted by the Authority aforesaid, That they the said Derick Ten Brook, John Cuyler & Cornelius Van Schaak before they Receive any part of the Monies hereby directed to be paid unto Them Shall enter into Recognizances unto our Sovereign Lord the King, his Heirs & Successors before one of the Judges of the Supreme Court of this Colony, or before one of the Judges of the Inferior Court, at Albany, To the following Effect, that is to Say, the said Derick Ten Brook & John Cuyler in the Sum of Five Hundred & Eighty five Pounds, with two Surety's each in half that Sum, & Cornelius Van Schaak in the Sum of Five Hundred & Eighty five Pounds with Two Surety's Each in half that Sum, conditioned that they shall well & truely each for his part Employ & apply the monies so by them to be received as aforesaid, to and for the Purposes directed by this Act, and well & duly Observe do & Perform all the Directions hereby required to be observed done & Performed by them According to the true Intent & meaning hereof, and the Judge before whom Such Recognizances Shall be taken, Shall cause the Same first to be recorded in the Minutes of the said Courts & then Lodged in the Treasury.

AND be it further Enacted by the Authority Aforesaid, That of the Due Disposition & application of the said monies, They the said Derick Ten Brook John Cuyler & Cornelius Van Schaak, Shall keep Exact Books & render true & distinct Accounts thereof upon oath, That is to Say, Each of them of the monies which they shall receive by Virtue of this Act, unto the Governour or Commander in Chief for the Time being, the Council, or General Assembly when by them or any of Them thereunto required.

AND be it further Enacted by the Authority Aforesaid that the Treasurer, Shall out of the Remainder of the monies Lodged in his Hands by virtue of the aforesaid Act, pay the Several Sums following (viz't)

UNTO his Excellency the Governour for moneys paid by him to Gysbert Vanderberg for Repairing the Fort in the City of Albany the Sum of Twenty Seven Pounds four Shillings & four pence.

UNTO his said Excellency for the Expences of his Voyage to Albany in case he shall find it Necessary, for his Majesties Service to go Thither this Spring or the Ensuing Summer, The sum of One Hundred and Fifty pounds.

UNTO Colonel William Johnson for Arrears due to him, for Furnishing the Garrison of Oswego with Provisions, The Sum of Twenty four Pounds.

AND be it further Enacted by the Authority aforesaid That the Receipts of the Several Persons, for the Several and respective Sums before mentioned, Shall be to the Treasurer a good Voucher and Discharge for the Same.

AND be it further Enacted by the Authority aforesaid, That the Sum of one Hundred and Fifty five pounds, which the Treasurer had paid for Prisoners and Scalps of the Enemy without any Certificates, The said Prisoners and Scalps having been actually Produced at the City of New York, Shall be Allowed to him in his accounts.

AND be it further Enacted by the Authority Aforesaid, That the Treasurer shall keep exact Books of the several Payments which by this Act he is directed to make & to render true and Distinct Accounts thereof upon oath, to the Governour or Commander in chief for the Time being to the Council, or to the General Assembly, when by them or any of them thereunto required.



## [CHAPTER 849]

[Chapter 849 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 843. Expired December 1, 1748.]

An Act further to continue an Act Entitled an Act for Regulating the Militia of this Colony.

[Passed, September 22, 1747.]

WHEREAS an Act Entitled an Act for Regulating the Militia of this Colony Pass'd in the nineteenth year of his Majesties Reign has by a Subsequent Act been continued to the first day of December next.

BE IT ENACTED by his Excellency the Governour, the Council, & the General Assembly, and it is hereby enacted by the Authority of the Same, That the above mentioned Act, Entitled an Act for Regulating the Militia of this Colony, as also the said Subsequent Act, Entitled an Act, to continue an Act, Entitled an Act for Regulating the Militia of this Colony, with an Addition thereto, Shall be & hereby are further continued, until the first Day of December which will be in the year of our Lord one Thousand Seven Hundred and Forty Eight.

## [CHAPTER 850]

[Chapter 850 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 839. Expired December 1, 1748.]

An Act further to Continue an Act Entitled an Act to prevent Desertion of his Majesties Forces in this Colony.

[Passed, September 22, 1747.]

BE IT ENACTED by his Excellency the Governour, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the Same, That an Act Entitled an Act to prevent Desertion of his Majesties Forces in this Colony, Passed in the Nineteenth year of his Majesties Reign, and by a Subsequent Act continued until the first day of December next, Shall be & hereby is further continued, and every Clause, Article, Matter & thing therein Contained Enacted to be, and Remain of Full force and virtue, to all Intents constructions, & Pur-

poses whatsoever, From the said first Day of December next, until the first Day of December which will be in the Year of Our Lord, One Thousand Seven Hundred & Forty Eight.

THE TWENTY-FOURTH ASSEMBLY.

*Sixth Session.*

(Begun Sept. 29, 1747, 21 George II, George Clinton, Governor.)

[CHAPTER 851]

[Chapter 851 of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 1, 1748.]

An Act to let to Farm the Excise on Strong Liquors Retailled in this Colony, from the first day of November One Thousand Seven Hundred & Forty Seven, To the first day of November, one Thousand Seven Hundred and Forty Eight.

[Passed, October 31, 1747.]

WHEREAS by an Act of the General Assembly, Intituled an Act, for laying an Excise on all strong Liquors retailled in this Colony, Passed in the Twelfth year of the Reign of her Late Majesty QUEEN ANNE, there was given & granted to her said Majesty, her heirs and Successors, a Duty of Excise on all Strong Liquors retailled in this Colony, From the first Day of November, one Thousand Seven Hundred & Fourteen, To the first day of November One Thousand Seven Hundred & Thirty four, For the uses & Purposes in the said Act particularly mentioned, which said Duty of Excise, hath by Several Subsequent Acts, been further continued from the said first Day of November, One Thousand Seven Hundred & Thirty four, To the first Day of November, which will be in the year of our Lord, One Thousand, Seven Hundred & Fifty Seven.

AND WHEREAS Sundry Persons have by Themselves or by others in their behalf, offered & Engaged, to Pay for the said Duty of Excise, in the Cities & Counties of this Colony, From the first Day of November in this present year, To the first day of November, which will be in the year of our Lord, one Thousand Seven Hundred & Forty Eight.

BE IT THEREFORE ENACTED by his Excellency the Governour, the Council, and the General Assembly, and it is



hereby Enacted by the Authority of the Same, That the Persons hereinafter named, Shall be the Farmers of the said Duty of Excise, From & to the Time last mentioned, in the respective Cities and Counties of this Colony; And to have & receive the benefits thereof, at the Rates and for the Several Sums following That is to Say.

Adolph Brass for the City & County of New York for the Sum of Eight Hundred & Ten Pounds, James Stephenson for the City & County of Albany, For the Sum of one Hundred & Forty Five Pounds, Abraham Bloom, For Kings County, for the Sum of Forty Six Pounds, Abraham Bloom for Queens County, for the Sum of Eighty Pounds, Isaac Brush for Suffolk County, for the Sum of Sixty Pounds, Clere Everit for Dutches County, for the Sum of Thirty five Pounds, Gerrit Van Burren & Johanes Maste Jun'r, for Ulster County for the Sum of Thirty Two Pounds, Paul Michaux, For Richmond County, for the Sum of Fourteen Pounds, Col'o Abraham Harring & Samuel Gale, for orange County for the Sum of Twelve pounds, Samuel Purdy & Jonathan Lawrence for Westchester County for the Sum of Seventy five Pounds.

AND for the Effectual Securing the Several Payments before mentioned, Be it Enacted by the Authority aforesaid, That the Several Farmers before named, Shall be and hereby are Required and obliged Severally to enter into the following Recognizances before any Judge of the Supreme Court or of the Inferior Courts, to his Majesty, his heirs & Successors, with Sufficient Sureties, That is to Say. Adolph Brass in the Penal Sum of one Thousand Six Hundred & Twenty Pounds, James Stevenson, in the Penal Sum of Two Hundred and Ninety Pounds, Abraham Bloom for Kings County, in the Penal Sum of Ninety two Pounds, Abraham Bloom for Queens County in the Penal Sum of one Hundred & Sixty Pounds, Isaac Brush in the Penal Sum of one Hundred & Twenty Pounds, Clere Everit in the Penal Sum of Seventy Pounds, Gerrit Van Burren & Johanes Maste Jun'r in the Penal Sum of Sixty Four Pounds, Paul Michaux in the Penal Sum of Twenty Eight Pounds, Colonel Abraham Harring & Samuel Gale in the Penal Sum of Twenty four Pounds, Samuel Purdy & Johnathon Lawrence in the Penal Sum of One Hundred and Fifty Pounds **CONDITIONED** That each of the said Farmers Shall well & Truly pay to the Treasurer of this Colony, the Respective Sums They

have Severally Farmed the said Duty of Excise at, in two Equal half yearly Payments, That is to Say, one half thereof on or before the first day of May next, Ensuing, and the other half thereof on or before the first Day of November which will be in the Year of Our Lord one Thousand Seven Hundred & Forty Eight, And the Judge or Judges before whom Such Recognizance or Recognizances are taken, are hereby required to cause the Same to be Recorded in the Minutes of the Supreme Court of this Colony, and afterwards to Transmit the Same with all Expedition to the said Treasurer, with whom they are to remain until They Shall be Discharged.

AND to the End that the before named Several and Respective Farmers, may not Exercise the Powers hereby given before They Shall have enter'd into the Recognizances as hereby Directed, BE it Enacted by the Authority aforesaid, That every Such Farmer, who Shall put in Execution all or any of the Powers aforesaid, before Such Recognizances, Shall have been Enter'd into, He, She, or They in Such case offending, Shall Forfeit & Pay double the Sum for which they respectively Farmed the Excise, to be Recovered in any of his Majestys Courts of Record in this Colony, one half thereof, to any Person who will Sue for & Prosecute the Same to Effect; The other half to be paid to the Treasurer of this Colony, To be apply'd for Sinking & Cancelling the bills of Credit Struck & Issued upon the Duty of Excise.

AND That there may be no failure in the Payments to be made to the Treasurer of the Several & respective Sums which Should be paid by the Several and respective Farmers, BE IT ENACTED by the Authority aforesaid, That the Treasurer of this Colony Shall and do, and he is hereby Directed & Required, to put in Suit, each & every Recognizance, That shall not be paid, on or before the first Day of May, and on or before the first day of November, or within one month after each of the said Days respectively, with the Interest thereon, And for every failure of the said Treasurer respecting the Putting in Suit the said Recognizances, he shall Forfeit and Pay the Sum of Fifty Pounds, To be Recovered in any of his Majesties Courts of Record within this Colony, by any Person or Persons who will Sue for & Prosecute the Same to Effect, to his, her or their own Proper use.



AND to the End the Several before named Farmers may have the full benefit of the said Duty of Excise, from and to the Time before mentioned, be it Enacted by the Authority aforesaid, That they & each of Them and each and every of their Executors, Administrators or Assigns, Shall be & hereby are Vested with all & Singular the Powers & Authority's for gathering, Collecting and recovering the said Duties & Forfeitures imposed in the said Act, in the respective Places, the said Excise is hereby Farmed to Them, which in & by the Same are Granted & Allowed to Farmers of the said Excise, in as full, ample & effectual manner to all Intents, Constructions and Purposes whatsoever, as if the Several Clauses relating thereunto in the Act aforesaid, had been at Large Inserted & Enacted in the body of this Act.

AND Whereas Several People & more particularly in the City of New York, have frequently retailed strong Liquors in their Houses without being duly Licenced for that Purpose; and whereas such Persons as aforesaid, as Likewise Several others who were duly Licenced to Retail, not only Sold strong Liquors to Slaves, but often Entertained great numbers of them at their Houses, or Suffered them to be Entertained there, which Tempted & encouraged the said Slaves to Rob their Masters and others for Supporting the Expence of Such vile Practices BE IT Enacted by the Authority aforesaid, That no Person or Persons whatsoever, Shall be Allowed or permitted to Retail any manner of Strong Liquors in their Houses or Elsewhere at any Time during the Continuance of this Act, until, He, she or They, have first Enter'd into Recognizance, That is to Say, In the City's of New York & Albany before the Respective Mayors thereof, and in the Several Counties of this Colony, before two Justices of the Peace, In the Penal Sum of Twenty Pounds with Sufficient Sureties in the like Sum, Conditioned to keep an Orderly House according to Law during the Time they shall be so Licenced to Retail as aforesaid, and thereupon the Respective Mayors, or the said Justices, Shall grant to the Person or Persons who have Enter'd into Such Recognizances, a Licence under his or their hands & Seals to Retail Strong Liquors in Such House or Place to be mentioned therein, at any Time or Times during the continuance of this Act, which Recognizances are to be Lodged by the Person or Persons before whom the same are taken (viz't) In the City's of New

poses whatsoever, From the said first Day of December next, until the first Day of December which will be in the Year of Our Lord, One Thousand Seven Hundred & Forty Eight.

THE TWENTY-FOURTH ASSEMBLY.

*Sixth Session.*

[Begun Sept. 29, 1747, 21 George II, George Clinton, Governor.]

[CHAPTER 851]

[Chapter 851 of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 1, 1748.]

An Act to let to Farm the Excise on Strong Liquors Retailled in this Colony, from the first day of November One Thousand Seven Hundred & Forty Seven, To the first day of November, one Thousand Seven Hundred and Forty Eight.

[Passed, October 31, 1747.]

WHEREAS by an Act of the General Assembly, Intituled an Act, for laying an Excise on all strong Liquors retailled in this Colony, Passed in the Twelfth year of the Reign of her Late Majesty QUEEN ANNE, there was given & granted to her said Majesty, her heirs and Successors, a Duty of Excise on all Strong Liquors retailled in this Colony, From the first Day of November, one Thousand Seven Hundred & Fourteen, To the first day of November One Thousand Seven Hundred & Thirty four, For the uses & Purposes in the said Act particularly mentioned, which said Duty of Excise, hath by Several Subsequent Acts, been further continued from the said first Day of November, One Thousand Seven Hundred & Thirty four, To the first Day of November, which will be in the year of our Lord, One Thousand, Seven Hundred & Fifty Seven.

AND WHEREAS Sundry Persons have by Themselves or by others in their behalf, offered & Engaged, to Pay for the said Duty of Excise, in the Cities & Counties of this Colony, From the first Day of November in this present year, To the first day of November, which will be in the year of our Lord, one Thousand Seven Hundred & Forty Eight.

BE IT THEREFORE ENACTED by his Excellency the Governour, the Council, and the General Assembly, and it is



AND that the Expence of being qualifyd to Retail may be within the bounds of moderation, Be it Enacted by the Authority aforesaid, That no more or greater Sum shall be Demanded or received for a Recognizance & Licence, in the Cities of New York and Albany, Than the usual & accustomed Fees, and in the respective Counties, than the Sum of Three Shillings.

AND WHEREAS Several Persons as well in the said Cities as in the Counties not being Tavern keepers, Dispose of Strong Liquors from their Cellars or Stores, under the quantity of Five Gallons, not drank there, but carried from thence to other Places, Be it Provided & Enacted by the same Authority, That such Persons shall not be obliged to Enter into Recognizance & take Licence in manner as aforesaid, any thing contained in this, or the aforesaid Act to the contrary notwithstanding, But that They & each of them shall Nevertheless be & hereby are Required & obliged to agree for the Excise with the respective Farmers thereof and to obtain his or their Permit for so doing before such Person or Persons Shall Retail strong Liquors without Doors under the said quantity of Five Gallons, and in default hereof, Every offender & offenders, Shall be Subject & Liable to the Penalties and Forfeitures, which in such cases are directed & mentioned in & by the Act aforesaid.

AND be it Enacted by the same Authority, That of all the Penalties, which may arise upon the breach of the Recognizances hereby directed to be Enter'd into, one half shall be to the Informer or Informers, That shall Sue for, and Prosecute the Same to Effect; and the other half Shall be paid to the Treasurer, And imployed by him to Sink & Cancell bills of Credit, Struck & Issued upon the Duty of Excise, and that all other Forfeitures which may arise by virtue of this Act, not herein before applyed, Shall be to the Sole use and benefit of the Farmers respectively.

AND be it further Enacted by the Authority aforesaid That all the Monies to be paid to the Treasurer by the Several before named Farmers Shall be employed for & towards Cancelling bills of Credit Struck & Issued upon the said Duty of Excise, at the Time & in the manner directed in & by an Act, Intituled an Act further to continue the Duty of Excise and the Currancy of the bills of Credit, Emitted thereon, and to Strike some new bills for Exchanging Such old ones, as are or may be unfit to circulate, passed in the Thirteenth Year

of his present Majesties Reign, and to & for no other use or Purpose whatsoever.

[CHAPTER 852.]

[Chapter 852 of Livingston & Smith and Van Schaack, where the title only is printed. See chapters 841 and 870. Continued by chapter 871.]

An Act further to Continue an Act Intituled an Act, For & Towards Supporting the Government of this Colony, by granting to his Majesty the Duties therein mentioned, From the first day of December one Thousand Seven Hundred & Forty, To the first day of December, one Thousand Seven Hundred and Forty one.

[Passed October 31, 1747.]

WHEREAS the Duties & Impositions Granted for the Support of his Majesties Government in this Colony, by the above mentioned Act, have by Several Subsequent Acts been continued to the first day of December next, And the General Assembly being willing to make Provision for the further Support thereof.

BE IT ENACTED by his Excellency the Governour, the Council, & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above Mentioned Act, Intituled an Act, For & towards Supporting the Government of this Colony, by Granting to his Majesty, the Duties therein mentioned, From the first day of December, one Thousand Seven Hundred & Forty, To the first day of December, one Thousand, Seven Hundred & Forty one, As also, one other Act, Subsequent thereto, Intituled an Act Further to continue an Act, Intituled an Act, For & towards Supporting the Government of this Colony, by Granting to his Majesty, the Duties therein mentioned, From the first Day of December, One Thousand, Seven Hundred & Forty, To the first day of December, one Thousand, Seven Hundred & Forty one, with an Addition thereto, Shall be & hereby are Enacted, to be further Continued, and every Clause Matter, Article, and thing in the said two Acts contained, To remain & be of full Force & virtue, To all Intents Constructions & Purposes whatsoever, From the said first day of December next, until the first day of December which will be in the Year of our Lord, one Thousand Seven Hundred & Forty Eight.



## [CHAPTER 853.]

[Chapter 853 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for Purchasing a Supply of Provisions for Victualling Eight compleat Companies of the Forces raised on the Expedition intended against Canada, or Eight compleat Companies of Voluntiers, to consist of One Hundred Men each, To be employed on the Northern Frontiers of this Colony.

[Passed, November 25, 1747.]

BE IT ENACTED by his Excellency the Governour, the Council, & the General Assembly, And it is hereby Enacted by the Authority of the Same that the Treasurer of this Colony shall, out of the Monies remaining in his Hands by Virtue of an Act, Entituled an Act, for raising a Supply of Forty Thousand Pounds, by a Tax on Estates, Real & Personal for carrying on an Expedition against the French in Canada, for emitting Bills of Credit for the like Sum, and for Sinking & cancelling the said Bills in Short Periods, and for other Purposes therein mentioned, Pay the Several Sums of Money following (to wit)

UNTO Cornelius Van Horn and Paul Richard upon their Demand the Sum of Four Thousand Two Hundred & Ninety one Pounds, Sixteen Shillings & Six Pence, To be by Them employed in the Purchasing of Two Hundred & Seventy Three Barrels of Pork, Three Hundred & Sixty Four Barrels of Beef, one Hundred & Forty five Thousand, Six Hundred weight of Bread, Two Thousand Two Hundred & Seventy five Bushels of Peas, Four Thousand five Hundred & Fifty Gallons of Rum, and eight Barrels of Vinegar, For Victualling Eight compleat Companies of the Forces raised on the Expedition intended against Canada, and now Posted at Albany; or in case they should be Disbanded, then for the Victualling of Eight Compleat, Companies of Voluntiers, to consist of one Hundred Men each to be Employed on the Northern Frontiers of this Colony, for one Hundred & Eighty Two Days, And the Same Provisions they the said Cornelius Van Horn & Paul Richard shall cause to be Transported to Albany, there to be Delivered to Derick Tenbrook, & John Cuyler, who shall immediately after they receive the Same, issue and Deliver it to the Several

York & Albany, with the Town Clerks, and in the Counties, with the respective Clerks thereof, and upon Complaint made of the breach of the said Condition, it shall be Lawfull for the said Mayors & Aldermen of New York & Albany, or the greater Number of Them, and in the Counties for the Justices of the General or Special Sessions of the Peace, to Suppress the Licence or Licences of Such offender or offenders

**BE IT FURTHER ENACTED** by the Same Authority That no Person or Persons, who have obtained such Licence as aforesaid, Shall be permitted to Retail strong Liquors, before, He, she, or They have paid the Duties, or agreed for the Excise, with such Farmer or Farmers as have taken the Excise, in the Place where, He, She or They intend to Retail, and Secure to him or them the payment of the said Duty, or the Sum agreed on, by bond or otherwise, at the Discretion of the said Farmer or Farmers, who are thereupon to give a Permit in writting to such Person or Persons to Retail Strong Liquors.

**BE IT ENACTED** by the same Authority, That if any Person or Persons shall Retail strong Liquors in this Colony before, he, she or they have enter'd into Recognizance, and obtain'd a Licence and Permit, or Paid the Duty in manner as aforesaid, He she or They so offending, Shall not only be Subject & Liable to the Penalties and Forfeitures contained in the before mentioned Act, but moreover Forfeit the Sum of Five Pounds to be recovered in a Sumary Way, in the Cities of New York and Albany, before the Mayor or Recorder, and one or more Aldermen of the said Cities respectively, and in the Counties, by any two Justices of the Peace, one whereof to be of the Quorum, and if upon Conviction the said Forfeiture be not paid, The same is to be Levied on the Goods & chattels of the offender or offenders, by warrant under the hands and Seals of the Persons before whom such Conviction shall happen, and if no goods or chattels are found on which to destrain, it shall be Lawfull for the Persons who heard & Determin'd the Cause, To commit the offender or offenders to Goal, without Bail or Mainprize for the Space of Three Months, unless the said Penalties are Sooner discharged, and the said Respective Magistrates Shall be & hereby are fully impowered directed and required to hear & determine those Matters in manner aforesaid and to give Judgment, and if need be to Award Execution thereon, & to issue a Warrant or Warrants for commitment of offenders, as the case may require.



Court of this Colony, wherein no Essoyn, Protection, Wager of Law, or any more than one Impar lance Shall be allowed, & the money Recovered in Consequence thereof, Shall be paid unto the Treasurer of this Colony to be applyed to and for Such Uses as Shall be hereafter Directed by Act or Acts to be Passed for that Purpose

AND be it Enacted by the Authority aforesaid, That of the due Disposition and Application of the Several Sums before mentioned, the said Cornelius Van Horn & Paul Richard, Shall keep exact Books, and Render true & distinct Accounts thereof upon oath to the Governour, or Commander in Chief for the Time being, to the Council, or to the General Assembly, when by them or any of them thereunto required.

AND be it Enacted by the Authority aforesaid, that if Either of them the said Cornelius Van Horn, or Paul Richard, Shall happen to Die, remove out of this Colony, or Refuse to act according to the Several Powers hereby directed, to be executed by Them, it shall and may be Lawfull, for the Governour, or Commander in chief for the Time being, by and with the advice & consent of at least Five of his Majesties Council, to nominate & appoint Some other fit Person or Persons in the Place and Stead, of him or Them, so Dying, Removing, or Refusing to Act as aforesaid, any thing herein contained to the contrary notwithstanding, Provided that the Person, or Persons so appointed, Shall be obliged to Enter into the like Recognizances with the like Sureties, as is herein directed, to be done by the said Cornelius Van Horn, and Paul Richard, before he or They, Shall be Entitled to receive any Part of the money before mentioned, and Shall in all other Respects, be as Subject to observe, do and Perform the Several Directions of this Act, as if he or They had been named or appointed in it.

AND be it Enacted by the Authority aforesaid, That of the due Disposition of the Provisions aforesaid, They the said Derick Tenbrook, and John Cuyler, Shall keep exact Books, and Render true Accounts thereof upon Oath, to the Governour, or Commander in Chief for the Time being, to the Council, or to the General Assembly, when by them or any of them thereunto required.

AND be it Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Shall under any Pretence or

Colour whatsoever, take, Seize, or carry away, any of the aforesaid Provisions, otherwise than according to the express Directions of this Act, Every Such Person or Persons so offending, and every their aiders & Abettors, Shall respectively Forfeit & Pay for every Such offence Double the Value of all and every, or any of the said Provisions so taken, Seized, or carryed away, To be recovered with full costs of Suit, by the said Derick Tenbrook and John Cuyler, or Either of Them in their or either of their own name or names, in any Court of Record within this Colony, by Bill, Plaint, or Information, wherein no Essoyn, Protection, or Wager of Law, or any more than one Imparance Shall be Allowed, which Forfeiture when Recovered though in the name or names of the said, Derick Tenbrook, and John Cuyler, or Either of them, Shall be paid and applyed one half thereof to the said Derick Tenbrook & John Cuyler or either of Them in whose name or names, the Same Shall be Recovered, and the other half to the Treasurer of this Colony, to be applyed, in Such manner as by Act or Acts hereafter to be Passed for that Purpose shall be Directed.

AND be it Enacted by the Authority aforesaid, That if it Shall happen, that the said Derick Tenbrook & John Cuyler, or either of them, Shall at any Time, Neglect, or Delay to commence his or Their Action or Actions against all & every Person or Persons who Shall offend in the Premises within one month next after Such offence or offences Shall be Committed, and Shall not do their utmost Endeavours to Prosecute the same to Effect, the said Derick Tenbrook & John Cuyler, or Either of them, so neglecting, or Delaying, shall make good in money, out of his or their own Estate or Estates as the Case may happen, to the full Value of the Provisions, which Shall be so Seized, taken, or carryed away, to be recovered by the Treasurer of this Colony, in his own Name with full Costs of Suit, by Bill, Plaint, or Information in any Court of Record within this Colony, wherein no Essoyn, Protection, or Wager of Law, or any more than one Imparance Shall be Allowed, which money when Recovered, Shall be applyed in Such Manner, as by Act or Acts hereafter to be made for that Purpose, Shall be directed and appointed.



## [CHAPTER 854]

[Chapter 854 of Livingston & Smith, where the act is printed in full. Chapter 854 of Van Schaick, where the title only is printed. See chapter 1194.]

An Act for raising a Supply of Twenty Eight Thousand Pounds by a Tax on Estates, Real and Personal for defraying the Expence of Several Services necessary for the Defence of the Frontiers and Annoyance of the Enemy, For emitting Bills of Credit for the like Sum, And for Sinking and cancelling the said Bills in Short Periods.

[Passed, November 25, 1747.]

BE IT ENACTED by his Excellency the Governour, the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That there Shall be given & granted unto his MAJESTY, his Heirs & Successors to and for the Uses & Purposes herein mentioned, and to no other use or Purpose whatsoever, the Sum of Twenty Eight Thousand Pounds, which Shall be Assessed Raised & Levyed upon the Estates real & Personal of all and every the Freholders, Inhabitants & Residents within this Colony, and Shall be Collected and paid in manner following, That is to Say.

The Sum of Three Thousand Five Hundred Pounds, on or before the first Tuesday of November, which will be in the year of our Lord one Thousand Seven Hundred & Forty Eight, The like Sum of Three Thousand Five Hundred Pounds, on or before the first Tuesday in November, which will be in the year of our Lord one Thousand Seven Hundred & Forty Nine, The like Sum of Three Thousand Five Hundred Pounds, on or before the first Tuesday in November which will be in the year of our Lord, one Thousand Seven Hundred & Fifty, The like Sum of Three Thousand Five Hundred Pounds, on or before the first Tuesday in November, which will be in the year of our Lord one Thousand Seven Hundred & Fifty one, The like Sum of Three Thousand, Five Hundred Pounds, on or before the first Tuesday in November which will be in the year of our Lord one Thousand Seven Hundred & Fifty two, The like Sum of Three Thousand Five Hundred Pounds, on or before the

first Tuesday in November, which will be in the year of our Lord one Thousand Seven Hundred & Fifty Three, The like Sum of Three Thousand Five Hundred Pounds, on or before the first Tuesday in November, which will be in the year of our Lord, one Thousand Seven Hundred & Fifty Four, The like Sum of Three Thousand Five Hundred Pounds, on or before the first Tuesday in November, which will be in the year of our Lord one Thousand Seven Hundred & Fifty Five, Which Said Sum of Three Thousand, Five Hundred Pounds, hereby appointed to be annually paid on the Days & Times before mentioned, Shall be yearly Raised, Levied & Paid, by the Freeholders, Inhabitants and Residents in the Several and Respective Cities, and Counties within this Colony, during the Eight years above Mentioned, according to the Quotas & Proportions following, That is to Say.

In the City & County of New York, The Sum of one Thousand, Two Hundred & Twenty Two Pounds, Four Shillings & five pence half penny, yearly & every year, during the said Eight years. And In consideration of the present Distressed Circumstances of the Inhabitants of Albany, by the Ravages of the Enemy, it being one Third less in Proportion to the last Tax of that County, the said Deduction, being now laid on the other Counties in Proportion, Therefore there is to be paid in the City and County of Albany, The Sum of Three Hundred & Fifty Seven Pounds Two Shillings & Ten pence Farthing, yearly & every year during the said Term.

In Kings County The Sum of Two Hundred & Fifteen pounds, Thirteen Shillings & Eight Pence half penny, yearly & every year during the said Term.

In Queens County, the Sum of Four Hundred & Eleven pounds, Thirteen Shillings & Two pence, yearly & every year during the said Term.

In Suffolk County, the Sum of Three Hundred & Sixty Six Pounds, Thirteen Shillings & two pence half penny, yearly & every year, during the said Term.

In Richmond County The Sum of one Hundred & Fourteen Pounds Eleven Shillings & nine Pence yearly & every year during the said Term.

In Westchester County The Sum of Two Hundred & Three Pounds Fourteen Shillings yearly & every year, during the said Term.



In Ulster County The Sum of Three Hundred & Thirty Three Pounds Six Shillings & Ten Pence half Penny, yearly & every year during the said Term.

In Dutches County the Sum of one Hundred & Fifty two Pounds, Fifteen Shillings & Six pence Three farthings yearly & every year during the said Term, and

In orange County The Sum of One Hundred & Twenty two Pounds, four Shillings & five Pence farthing yearly & every year during the said Term AND to the End the full Sum intended to be raised by this Act may be Effective & Compleat, be it Enacted by the Authority aforesaid, That over and above, the Several Quotas above mentioned, There Shall be raised, Assessed, Levyed & Collected the respective Sums following. That is to Say, on the Quota for the City & County of New York, The Sum of Nine Pence, over & above every Pound to be retained in the hands of the Several Collectors, as a Reward for their Trouble in Collecting & paying the Same, to the Treasurer of this Colony, and on the Quotas for the City & County of Albany, and all the other Counties in this Colony, the Sum of one Shilling, over & above every Pound, out of which the Several Collectors may retain in their hands, the Sum of Nine Pence on each Pound for Collecting & Paying the Same to the Several County Treasurers, and the remaining Three pence, the County Treasurers respectively may retain in their hands, as a Reward for their Trouble & Service, in receiving & Paying the Monies arising by this Act, to the Treasurer of this Colony.

AND to the End Assessments may be made in Such Convenient Time by the Assessors, that the Sums intended to be raised by this Act, may be Collected & paid at the Times hereinafter mentioned, & appointed, and that the Assessments may be truly equally & impartially made, as of right They ought to be, Be it Enacted by the Authority aforesaid, That the Mayor, Recorder & Aldermen of the City & County of New York, or the greater part of them, for the Time being, Shall meet & Assemble, at the City Hall of the said City, on the first Tuesday in June, in every year, during the said Eight years, and then & there Issue their Warrants to the Several & respective Assessors aforesaid, to take a true & exact Account of all the Estates, Real & Personal of all the Freeholders, Inhabitants & Residents, within the Several Wards of the said

City & County, for which they at the Time of Issuing such Warrants, Shall be assessor or assessors, and a True, Equal & impartial assessment to make, and the Same at a Day in the said Warants to be prefixed, by the Mayor or Recorder & Aldermen, or the major part of them then met to exhibit, and when the said assessments, are by the said Assessors completed & a full account of the Same truly cast up according to the pound value of the said Estates, so that the Quota with the allowance for the City & County of New York be apparent & made known, then the said Mayor, Recorder, & Aldermen, or the major part of them, Shall Issue their Warrants to the Several & respective Collectors within the said City & County, to Collect the Quota with the Allowance by this Act directed, and that the Same be paid unto the Treasurer of this Colony, on or before the first Tuesday of November Yearly & every year, During the said Term of Eight Years,

AND in order that the Assessments may be truly equally and impartially made & done, Be it Enacted by the authority aforesaid that every Assessor that Shall be chosen & Elected within the City & County of New York during the Term aforesaid, Shall before He enters upon the Performance of the Duty & Service required of him by this Act, take an Oath upon the holy Evangelists of Almighty God, in the words following to wit. I, A. B do swear that I will well & truly equally & impartially, and in due Proportion according to the best of my Skill knowledge and understanding, assess and Rate, all the Freeholders Inhabitants & Residents of the Ward for which I am chosen Assessor, which oath the said Mayor, Recorder & Aldermen, or the major part of them so met are hereby Empowered required & directed to administer.

AND for the effectual Assessing, Collecting & Paying the respective Quotas for the City & County of Albany, and all the other Counties in this Colony together with the before mentioned Allowance to the Collectors and County Treasurers, be it Enacted by the authority aforesaid, That the Supervizors of the said City & County, and of all the other respective Counties in this Colony, or the major part of them respectively, Shall meet on the first Tuesday of June in every year during the said Term, where the Majority of Supervizors respectively then met, Shall cause the respective Quotas and Allowances aforesaid of each County to be raised, assessed, levied &



In Ulster County The Sum of Three Hundred & Thirty Three Pounds Six Shillings & Ten Pence half Penny, yearly & every year during the said Term.

In Dutches County the Sum of one Hundred & Fifty two Pounds, Fifteen Shillings & Six pence Three farthings yearly & every year during the said Term, and

In orange County The Sum of One Hundred & Twenty two Pounds, four Shillings & five Pence farthing yearly & every year during the said Term AND to the End the full Sum intended to be raised by this Act may be Effective & Compleat, be it Enacted by the Authority aforesaid, That over and above, the Several Quotas above mentioned, There Shall be raised, Assessed, Levied & Collected the respective Sums following. That is to Say, on the Quota for the City & County of New York, The Sum of Nine Pence, over & above every Pound to be retained in the hands of the Several Collectors, as a Reward for their Trouble in Collecting & paying the Same, to the Treasurer of this Colony, and on the Quotas for the City & County of Albany, and all the other Counties in this Colony, the Sum of one Shilling, over & above every Pound, out of which the Several Collectors may retain in their hands, the Sum of Nine Pence on each Pound for Collecting & Paying the Same to the Several County Treasurers, and the remaining Three pence, the County Treasurers respectively may retain in their hands, as a Reward for their Trouble & Service, in receiving & Paying the Monies arising by this Act, to the Treasurer of this Colony.

AND to the End Assessments may be made in Such Convenient Time by the Assessors, that the Sums intended to be raised by this Act, may be Collected & paid at the Times hereinafter mentioned, & appointed, and that the Assessments may be truly equally & impartially made, as of right They ought to be, Be it Enacted by the Authority aforesaid, That the Mayor, Recorder & Aldermen of the City & County of New York, or the greater part of them, for the Time being, Shall meet & Assemble, at the City Hall of the said City, on the first Tuesday in June, in every year, during the said Eight years, and then & there Issue their Warrants to the Several & respective Assessors aforesaid, to take a true & exact Account of all the Estates, Real & Personal of all the Freeholders, Inhabitants & Residents, within the Several Wards of the said

City & County, for which they at the Time of Issuing such Warrants, Shall be assessor or assessors, and a True, Equal & impartial assessment to make, and the Same at a Day in the said Warants to be prefixed, by the Mayor or Recorder & Aldermen, or the major part of them then met to exhibit, and when the said assessments, are by the said Assessors completed & a full account of the Same truly cast up according to the pound value of the said Estates, so that the Quota with the allowance for the City & County of New York be apparent & made known, then the said Mayor, Recorder, & Aldermen, or the major part of them, Shall Issue their Warrants to the Several & respective Collectors within the said City & County, to Collect the Quota with the Allowance by this Act directed, and that the Same be paid unto the Treasurer of this Colony, on or before the first Tuesday of November Yearly & every year, During the said Term of Eight Years,

AND in order that the Assessments may be truly equally and impartially made & done, Be it Enacted by the authority aforesaid that every Assessor that Shall be chosen & Elected within the City & County of New York during the Term aforesaid, Shall before He enters upon the Performance of the Duty & Service required of him by this Act, take an Oath upon the holy Evangelists of Almighty God, in the words following to wit. I, A. B do swear that I will well & truly equally & impartially, and in due Proportion according to the best of my Skill knowledge and understanding, assess and Rate, all the Freeholders Inhabitants & Residents of the Ward for which I am chosen Assessor, which oath the said Mayor, Recorder & Aldermen, or the major part of them so met are hereby Empowered required & directed to administer.

AND for the effectual Assessing, Collecting & Paying the respective Quotas for the City & County of Albany, and all the other Counties in this Colony together with the before mentioned Allowance to the Collectors and County Treasurers, be it Enacted by the authority aforesaid, That the Supervizors of the said City & County, and of all the other respective Counties in this Colony, or the major part of them respectively, Shall meet on the first Tuesday of June in every year during the said Term, where the Majority of Supervizors respectively then met, Shall cause the respective Quotas and Allowances aforesaid of each County to be raised, assessed, levied &



collected in the Same manner as the other necessary & contingent charges thereof are, and the respective Collectors are hereby required & enjoined to pay the respective Quotas to be by them Collected, unto the respective County Treasurers, on or before the first Tuesday of October yearly and every year during the said Term, and Each of Such County Treasurers are hereby enjoined and required to pay the respective Quotas of their Counties to the Treasurer of this Colony, on or before the first Tuesday of November then next following during the said Term.

AND be it enacted by the authority aforesaid, that Such Mayor, Recorder, Aldermen, Supervisors, Assessors, Collectors, or County Treasurers within this Colony, as Shall deny, refuse, neglect, or delay, to do, perform & Execute, all or any of the Powers, Duties, & authoritys by this act required of him or them to be done, and Shall be there Lawfully convicted, in any of his Majesties Courts of Record, he or they Shall Suffer such Pains by Fine and Imprisonment, as by the discretion of such Court, or Courts Shall be adjudged.

AND be it enacted by the Authority aforesaid that the monies to be raised by this Act, Shall by the Treasurer of this Colony for the Time being, be paid and applied to the following Uses and Purposes, and to no other use or Purpose whatsoever, that is to Say. Unto Philip Schuyler Cornelius Cuyler & Edward Collins, The Sum of Eight Thousand, Five Hundred & Ninety Seven Pounds, Nineteen Shillings to be by them applied in the Payment of Eight Hundred and Six effective Men Volunteers who are to be employed for the Defence & Protection of the northern Frontiers of this Colony & for the Annoyance of the Enemy after the following Rates (viz't)

To Thirteen Captains, Ten Shillings pr Diem each, To Thirteen Lieutenants Six Shillings pr. Diem each, To Thirty nine Serjants Two Shillings pr. Diem each, and to Seven Hundred & Forty one Private Men, one Shilling & Six pence pr. Diem each, Deduction being to be made for any Defeciency in that Number by Death or otherwise, which Forces they are hereby directed duly to Pay Monthly according to the Number that shall be in actual Service and not otherwise, which Shall be ascertained by the Muster Rolls of the Several Companys monthly, delivered to the said Pay masters, upon the Oath of the Several Captains of each Company, or the oath of the Commanding officer at the

Time of Such Muster, and by any other method the Said Pay Masters Shall think Proper, and the said Pay masters are hereby further Required & directed to pay monthly to one Doctor Providing his own Medicines and two able assistants to attend the said Forces the Sum of Twelve Shillings pr Diem.

Unto each of the said Thirteen Captains to defray the expence of raising their Compleat Companys of Sixty effective Men compleately Armed, The Sum of one Hundred & Twenty Pounds, and in that Proportion for a Lesser Number, provided it be not under Fifty upon a Certificate thereof Signed by the Mayor, Recorder, and any two Aldermen of the City of Albany, who are hereby required to make Strict Examination before They sign Such Certificate, That the Said Number of Men are really & Truly inlisted under the said Captain and are Actually upon the Service aforesaid. And in case any Captain shall produce any Certificate of a greater Number of effective Men than are really & truly inlisted under him, and are actually on the Service aforesaid, or that any of the aforesaid Magistrates Shall Sign any Such false Certificate, They shall respectively Forfeit the Sum of one Hundred Pounds, one half thereof to his Majesty, his Heirs & Successors, to be applied towards the Defence of the Northern Frontiers of this his Majestys Colony, the other half to any Person who will Sue for the Same in any Court of Record within this Colony, wherein no Protection, Wager of Law, or any more than one imparlance Shall be Allowed.

AND be it further Enacted by the authority aforesaid, That Such of the aforesaid Forces as Shall be Posted in the City of Albany, Shall be Billited by the Mayor, Recorder & Aldermen or the Major part of them, and in the County by Two Justices of the Peace Living nighest to the Place where the said Forces shall be Posted, and every Person refusing to Receive any Such of the said Forces so Billited by the Mayor, Recorder & Aldermen of the said City, or the Justices of the said County, Shall for every Such refusal, Forfeit the Sum of Twenty Shillings, Current money of this Colony, To be levied by Warrant under the hand & Seal of the Mayor or Recorder, or any two Aldermen of the said City, or any two Justices of the Peace of the said County, and in case of Non payment of Such Fine, then it shall be Levied by Distress & Sale of the offenders Goods together with all the Cost & charges arising by Such Warrant & Distress & Sale of the goods for recovering the Fine aforesaid.



AND WHEREAS by an Act passed this present Session, Intituled an Act for Purchasing a Supply of Provisions for Victualling Eight Compleat Companies of Forces raised on the Expedition intended against Canada, or Eight Compleat Companies of Voluntiers to Consist of one Hundred Men each, To be Employed on the Northern Frontiers of this Colony. It is declared that the Provisions therein directed to be Purchas'd & Sent up to Albany, Shall be for the Subsistance of Eight Compleat Companies of the Forces raised on the Expedition intended against Canada, To consist of One Hundred effective Men each, or in case They should be Disbanded, then for the Subsistance of Eight Compleat Companies of Voluntiers to consist of one Hundred effective Men each, and Whereas it has been Since conceived necessary, instead of the Eight Companies of Voluntiers to consist of one Hundred effective Men Each To raise Thirteen Companies of Voluntiers to consist of Sixty effective Men Each for the Defence of the Northern Frontiers & Annoyance of the Enemy, And as it is conceived that a Doubt may thereupon arise, whether the Provisions purchas'd & Sent up to Albany by Virtue of that Act, can regularly be imploy'd for the Subsistance of the said Thirteen Companies of Sixty effective Men each, for removing of which Doubt. Be it further Enacted by the Authority aforesaid, That the Commissioners at Albany named in the said act for issuing the said Provisions, Shall be, & hereby are Directed & required to issue the said Provisions, To the Several & respective Captains of the said Thirteen Companies of Voluntiers according to the Rates & Proportions directed in the aforesaid Act for the exact Number of Men which They shall from Time to Time have upon actual Service & not otherwise, which Shall be ascertained by the oaths of the said Several & respective Captains, or in their absence, by the oath of the next Commanding officer, upon their Demand of Provisions, and by Such other Ways & means as Shall by the said Commissioners be Judged requisite, any Thing in the aforesaid Act to the Contrary notwithstanding

AND be it further enacted by the Authority aforesaid, that the Treasurer of this Colony, Shall out of the Moneys to arise by virtue of this Act pay, Unto Cornelius Van Horn & Paul Richard The Sum of Two Hundred & ninety Three pounds, To

purchase Sixteen Hundred weight of Gun Powder & Forty Eight Hundred weight of Lead, for the use of the said Forces, To be Sent up to the said Paymasters to be by Them distributed to the said Men from time to time as Shall be thought requisite.

UNTO James Parker for Printing the bills of Credit directed to be made, Struck, & Issued by this Act, the Sum of Twenty Pounds.

AND UNTO Major Cornelius Van Horn & Captain Paul Richard Mr Abraham Lynsen, and Mr Isaac DePeyster, the Sum of Fifty Pounds, as a Reward for their Service in Signing & Numbering the said Bills, and the Receipts of the Several Persons for the Several Sums above mentioned, Shall be to the said Treasurer a good Voucher & discharge for the Same.

AND to the End the aforesaid Phillip Schuyler, Cornelius Cuyler, & Edward Collins may be Encouraged to do & Perform the Several & respective Services by this act required to be done and Performed by Them respectively, be it enacted by the authority aforesaid, That the Treasurer shall pay unto Them, the Sum of Fifty Shillings on Every Hundred Pounds they shall imploy by virtue of this Act, and in that Proportion for a greater or Lesser Sum, as a Reward for their care & Trouble in the Several and respective Services hereby required to be done & Performed by them.

AND be it enacted by the authority aforesaid That They the said Phillip Schuyler, Cornelius Cuyler & Edward Collins, before They receive any Part of the monies hereby directed to be paid unto them, Shall enter into the following Recognizances to our Sovereign Lord the King, his Heirs & Successors, that is to Say, each of them before the Mayor and Aldermen of the City & County of Albany in the Sum of Three Thousand Pounds with two Sufficient Sureties each in half that Sum, conditioned, that they shall well & truly each for his Part employ & apply the monys so to be received by them as aforesaid, to & for the Several & respective Uses and Purposes directed by this Act, and well & duly to observe, do, and perform all the Directions hereby required to be observed, done, & performed by them, according to the true Intent and meaning thereof, which Several Recognizances are to be delivered into the Supream Court there to be Filed & Recorded.



Receipt of the said Treasurer, shall be to the said Printer, a Sufficient discharge for the Same, and the said Printer is hereby required & directed to Deliver to the Signers hereby Appointed to sign the said Bills, every Bill of Credit by him Printed, and Shall upon his Delivery of the said Bills, take an oath, That the Bills of Credit by him then Delivered, are all the Bills of Credit by him Printed by virtue of this Act; and that neither he the said Printer, nor any other Person by his consent Privy or procurement has directly or indirectly Printed any other or more of Them, than are there by him Delivered, which oath all or any of the said Signers are hereby impowered, required and directed to Administer.

AND be it enacted by the Authority aforesaid That the Persons herein appointed to Sign the said Bills of Credit, Shall take an oath, before a Magistrate of the City of New York, each of them, well & Truly to Perform, what by this Act they are Enjoyed as their Duty, and will knowingly Sign no more Bills of Credit, than what by this Act is Directed, and if it shall happen that any Supernumary Bills, Shall be left after the said Number shall be Delivered to the Treasurer in manner aforesaid, all Such Supernumary Bills, Shall be burnt & destroyed by the said Signers or the Majority of them or by the majority of the Survivors of Them in the presence of the Treasurer of this Colony

AND be it Enacted by the Authority aforesaid, That the Bills of Credit, enacted & appointed by this Act to be Current, shall be received by the Treasurer of this Colony in all Publick Payments, and for any Fund at any Time in the Treasury, and by any Person within this Colony, in all Cases whatsoever, during the Time they are enacted to continue, and be as effectually Current, as any other Bills of Credit made Current in this Colony, by any Act of the Governour, Council, and General Assembly, and any Person or Persons refusing to take Them in Payment (during the time hereby appointed for the said Bills to be Current) For any Sum due, or hereafter to become due, or for any Contract already made or hereafter to be made, for any Consideration whatsoever, for any effects or Services already delivered or Performed, or hereafter to be Delivered or Performed; Shall be Lyable, and is & are made Lyable & Subjected to all the Penalties & Forfeitures contained in any Act, or Acts of the Governour, Council & General

Assembly of this Colony, at any Time enacting & enforcing the Currency of Bills of Credit, as fully to all intents constructions & Purposes whatsoever, as if the words of all or any of the Acts aforesaid relating to the Bills of Credit, or enacting and Enforcing the Currency of the Bills of Credit in them mentioned, had been Particularly expressed or Transcribed & herein & hereby enacted.

AND be it Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Shall Counterfeit any of the Bills of Credit made Current by this Act, or shall alter any of the said Bills made Current as aforesaid, So that they shall appear to be of greater Value than by this Act, the Same Bill or Bills so altered, were Enacted, Signed or Numbred to Pass current for, or shall knowingly Pass, or give in Payment any of the Bills aforesaid so counterfeited or Altered, Every Person guilty of counterfeiting, or Altering any of the said Bills as aforesaid or of knowingly Passing, or giving in Payment any Such counterfeit or Altered Bills, Shall be guilty of Felony; and being thereof convicted Shall Suffer the Pains of Death, without the benefit of Clergy, and though Such Counterfeiting, Altering or knowingly Passing Counterfeit or Altered Bills, Shall be done out of this Colony; yet any Grand Jury within the City & County of New York, is hereby impowered to present the Same, and to Set forth in the Indictment the Place where by their Evidence it appeared that the Fact was Committed; which Indictment is hereby Declared good notwithstanding that the Place Alledged be out of this Colony; and the Petty Juries On the Tryals of all Such issues, Shall be returned from the body of the City & County of New York, any Law, usage, or Custom to the contrary notwithstanding.

AND be it further enacted by the Authority aforesaid, That the Treasurer of this Colony Shall be & hereby is required & Directed upon no account whatsoever, to issue or give in Payment any of the Bills of Credit made Current by this Act, any otherwise than as hereby Directed, or as shall be Directed by Act or Acts hereafter to be Passed for that Purpose.

AND be it further Enacted by the Authority aforesaid That the Bills of Credit made, Struck & issued by virtue of this Act, Shall be & remain Current, until the Twenty Fifth Day of November, which will be in the year of our Lord, one Thousand Seven Hundred & Fifty Six



AND be it further Enacted by the Authority aforesaid That as the money to be raised, Levyed & Collected by virtue of this act Shall be paid into the Treasury, The Treasurer of this Colony for the Time being Shail & he is hereby directed & required to use his utmost Endeavoars to exchange the Same for the Bills of Credit made Current by this Act, which said Bills so Procured Shall be kept in the Treasury ready to be Cancelled in the manner hereinafter Directed.

AND to the End that all the aforesaid Bills may be Sunk, Cancelled & distroyed, BE it Enacted by the authority aforesaid, That David Jones, Cornelius Van Horn, Paul Richard & Henry Cruger Esq's Shall be & hereby are appointed, Empowered & Required, to See Cancelled & Distroyed, All & every the Bills of Credit made current by this Act, which from Time to Time shall be ready for Cancelling, in manner as is hereafter Directed

AND be it Enacted by the Authority aforesaid That the said Persons so appointed, or any two of Them, Shall in the first Week of April in Every year, Attend at the Treasury, and See burned to Ashes, the Bills of Credit directed to be Cancelled, & then ready & prepared for Cancelling, and the said Treasurer is hereby directed & required to give Notice in writting to the said Persons so appointed, what Days in the said Weeks, he shall be ready & prepared to Cancell the Same, and shall Insert in the said Notice, the Number of Bundles of Bills, and the Denomination or value of Each Sort of Bills so to be Cancelled & Destroyed, and the said Persons so appointed, are hereby Directed & Required, carefully, to Tell & examine the Bills, in the said Bundles, and to See them Burned & Destroyed in manner as aforesaid, and of the whole to deliver in, a Just & True Account on oath, to the Governour or Commander in chief, the Council & General Assembly for the Time being, when by Them or any of Them thereunto required.

AND be it further Enacted by the said Authority, That for every wilfull omission or Neglect, Either by the said Treasurer, or the aforesaid Persons so appointed respecting the said Service, Each & every of Them for each Such his Omission & Neglect, Shall Forfeit & pay the Sum of Five Pounds.

AND to the End that the good Purpose of duly Cancelling & Destroying the said Bills of Credit, may not be obstructed, for want in the Treasury of a Sufficient Number of the Bills of

Credit made Current by this Act, the said Treasurer is hereby directed & required in the Presence of the before named Persons so appointed, or any two of Them, to Cancell in manner as aforesaid, any other of the Bills of Credit of this Colony then in the Treasury, To make good Such Deficiency, the said Treasurer & the said Persons so appointed, keeping an Exact Account thereof in manner before Directed, always observing to Cancell Such bills first, as are of the oldest Date, or are most Shattered & Defaced Provided always that the Produce of the Several & respective Funds for the Support of the Government, be kept intire & no ways Lessened thereby, which said other Bills so Cancelled, Shall by the Treasurer be brought to the account of the Funds to which They respectively belong, and the Several Funds for Sinking the said Bills, Shall be Appropriated as the said Several Exchanges shall be made.

AND to the End that the said Persons herein before mentioned & appointed may be Encouraged, to do & Perform the Several Services hereby directed to be done & Performed by Them, Be it enacted by the Authority aforesaid, That for every Day, that They shall be actually employed in the said Service of Cancelling the Bills of Credit as aforesaid, They shall each & every of Them, have and receive, for each Days Service and Attendance, The Sum of Twenty Shillings, which the said Treasurer is hereby Directed to pay Them, out of the Funds appropriated for the Support of the Government, and their Receipts to the said Treasurer Shall be a Sufficient Discharge for the Same, and it is also Directed, that the hours for Attendance to be computed for one Day, Shall be at least from Ten to Twelve in the morning, & from two to four in the afternoon.

AND be it further Enacted by the Authority aforesaid, That if more than Two of the above named Persons, Shall Die, Remove out of the Colony, or refuse to Act, as is hereby required, it shall & may be Lawfull to & for the Governour, or Commander in Chief of this Colony for the Time being by and with the Advice & consent of his Majestys Council for this Colony. To Nominate & appoint Some other fit Person or Persons in the Place or Stead of Such Person or Persons, so Dying, Removeing or Refusing to Act as aforesaid, which Person and Persons so Nominated & appointed Shall have and be Vested with full Powers and Authorities be Liable to the like Penalties and Forfeitures, and Intituled to the Same Reward, as if he or They was or were named & appointed in



and by this Act, any thing therein contained to the Contrary notwithstanding

[CHAPTER 855]

[Chapter 855 of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act for the Relief of the Poor in the  
County of Suffolk

[Passed, November 25, 1747.]

BE IT ENACTED by his Excellency the Governour, the Council & the General Assembly, and it is hereby enacted by the Authority of the Same That it Shall and may be Lawfull for the Freeholders & Inhabitants of each respective, Town, Mannor & Precinct, in the County of Suffolk, at their annual Meetings for Electing officers, To choose & Elect at the Same Time, so many Persons, To be Overseers of the Poor, as the Majority of the Freeholders and Inhabitants of Such, Town, Mannor, or Precinct then present, Shall Judge necessary.

AND be it enacted by the Authority aforesaid, That the said Overseers, or the greater Part of Them respectively, by and with the consent of Two, or more Justices of the Peace, Dwelling in or near Such, Town, Mannor, or Precinct, Shall take order from Time to Time, for Setting to work, all Such Persons, Married or Unmarried, as have no visible means to maintain Themselves, and also to raise a Competent Sum of money Yearly to Purchase proper materials for the Poor to work on; For the necessary Relief of Such Poor People, as are not able to work; and for putting poor Children apprentices, which Sum of Money They the said Overseers with consent as aforesaid, are hereby authorised & required to ascertain, and the Same being so ascertained, Shall be assessed, Levied, and collected, by Warrant from the said Justices Directed to the Assessors & Collectors, of each respective Town, Mannor and Precinct, chargeable therewith, in the Same Manner, as the other necessary & contingent Charges of the said County are, And the same being so Assessed, Levied, & Collected, Shall be paid, unto the overseers of each respective Town, Mannor, & Precinct, on or before the Twenty fifth of March in every year for the uses aforesaid.

AND be it Enacted by the Authority aforesaid, That the said overseers, or the Major part of them, by & with Consent as aforesaid, are hereby impowered, To bind apprentices, all Such Children, whose Parents Shall not by the Overseers and Justices as aforesaid, be Thought able to keep and maintain them, where

They the said overseers & Justices as aforesaid Shall see convenient 'til Such male Child, come to the age of Twenty one years, & such Female Child to the age of Eighteen.

AND be it enacted by the authority aforesaid, that the overseers or major part of them, by & with consent as aforesaid, Shall find & Provide, in each Town, Mannor, & Precinct in the County aforesaid for the Dwelling of the Poor, & Setting them to work, Some fit & convenient Place, at the charge of the respective, Town, Mannor, or Precinct, where the Same may be, which Charge Shall be Ascertained, Assessed, Levyed, Collected, and paid as above.

AND be it Enacted by the Authority aforesaid, That the said overseers, or such of them, as have received Such Sum or Sums of Money, & as Shall not be hindered by Sickness, or other Just Excuse to be allowed of by two or more Justices of the Peace, of the said County, Shall meet Together, once every year at the least, in each respective, Town, Mannor and Precinct, And shall render upon oath, unto Two Such Justices of the Peace as aforesaid, a True & Perfect Account of all Such Sum or Sums of Money by them so Received and applyed as aforesaid, And all such Sum or Sums of Money as Shall be in their hands, Shall Pay & deliver over to the overseers respectively who Shall be Elected in each Town, & Precinct, for the next ensuing year, upon Penalty of Twenty Shillings, To be recovered before any one Justice of the Peace of the said County, To be applied to & for the Relief of the Poor where the Default shall happen.

[CHAPTER 856]

[Chapter 856 of Livingston & Smith and Van Schaack, where the act is printed in full. See chapters 411 & 1542.]

An Act to prevent private Lotteries within this Colony.

[Passed, November 25, 1747.]

WHEREAS Several Persons of late have Set on Foot and opened private Lotteries within this Colony, which being under no Restrictions by Law, are attended with pernicious Consequences to the publick, by encouraging Numbers of Labouring People to Assemble together at Taverns where Such Lotteries are usually Set on Foot & Drawn, for Remedy whereof

BE it Enacted by his Excellency the Governour, the Council and the General Assembly, and it is hereby enacted by the Authority of the Same, That if any Person or Persons whatso-



ever, Shall after the Publication of this Act, presume to open, Set on Foot, or Draw any private Lottery whatsoever, under whatsoever Name Title, or Denomination the Same may Pass, He, She, or They Shall respectively Forfeit & Pay, double the Sum of which Such Lottery Shall consist, to be Recovered by any Person or Persons who will Sue for the Same in any Court of Record within this Colony one half of which Forfeiture, To be paid to the Treasurer of this Colony, For & towards the Support of this Government, And the other half to the Person that Shall Sue for the Same as aforesaid.

### THE TWENTY-FIFTH ASSEMBLY.

#### *First Session.*

(Begun Feb. 12, 1748, 21 George II, George Clinton, Governor.)

#### CHAPTER 857.]

[Chapter 857 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 835. Expired December 1, 1748. Chapters 857 to 868 are dated in Livingston & Smith and Van Schaack as having been passed April 8, 1748. This is an error. They were passed April 9, 1748. See journal of council p. 1015. The journal minutes of the council have this date headed "Saturday 8th day of April, 1748," but as a matter of fact, Saturday was the 9th day of April.]

An Act to Revive an Act Entituled an Act, For the Establishing a Military Watch for the City & County of Albany with Some Addition thereto.

[Passed, April 9, 1748.]

WHEREAS an Act Entituled an Act for the Establishing a Military Watch for the City & County of Albany, Passed in the Nineteenth year of his present Majesties Reign, is expired by its own Limitation, And for as much as it is highly necessary to have a Military Watch for the said City & County.

BE IT THEREFORE Enacted by his Excellency the Governor, the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, that the above mentioned Act, Shall be & hereby is Revived, and Enacted to be of Force from the Publication hereof, until the first Day of December next.

AND be it Enacted by the Authority aforesaid, That all & every Person & Persons in the county aforesaid above the Age of Seventy Years, Shall be and hereby are Exempted from any

Military Watch or Duty, and that all & Every Miller or Millers Living and Residing in the Township of Schenegtady, and on the Mohawks River in the County aforesaid, Shall be and hereby are Required & obliged, to do & Perform Military Watch & Duty, as is Enjoyed & Required of other Persons in the Said Act not Excepted, and be Lyable to the like Fines & Forfeitures, anything in the aforesaid Act contained to the Contrary hereof in any wise notwithstanding.

AN BE IT FURTHER ENACTED by the Authority aforesaid that in case it Shall happen, That the officer that mounts the Guard at any Time within the said City & County, During the Continuance of the said Recited Act, Shall Neglect to Levy or cause to be Levied, all or any of the Fines & Penalties which Shall be Incurred for the Non Appearance & Neglect of Duty, of any the Private men when Duly Summoned thereto, Every Such officer or officers, Shall Forfeit and Pay the Sum of Twenty Shillings, For every Such Default, which Fines & Forfeitures, Shall be Recovered, Paid & Applyed in the Same manner as the Several Fines & Forfeitures provided in & by the said Recited Act, are Directed to, be paid & applyed.

AND be it Enacted by the Authority aforesaid, That the Fines & Forfeitures in this & the Act aforesaid That shall happen in the Town of Schenegtady, Shall be Levied, as well by Warrant under the Hand & Seal of the Town Major thereof as by the hand & Seal of the Colonel, or any one of the Field officers, any thing in the said Act to the contrary notwithstanding.

AND be it enacted by the Authority aforesaid That all the Fines & Forfeitures in this and the said Act mentioned, Shall when Levied be paid into the hands of any one of the Field officers to be by Them applyed as in the said Act is directed

[CHAPTER 858.]

[Chapter 858 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for Enabling the Inhabitants of the Township of Shenectady to Erect & Build, Two New Block Houses in the said Town for the better Defence thereof.

[Passed, April 9, 1748.]

BE IT ENACTED by his Excellency the Governour, the Council, and the General Assembly, and it is hereby Enacted



by the Authority of the Same, That the Justices of the Peace & Captains of the Militia of the Township of Schenectady or the Major part of them, Shall be & hereby are Authorized & Impowered to Fix upon Two certain Places in the said Town, On which to Erect the said Block Houses, and then the said Justices & Captains or the major part of them, are hereby Required & Directed to Assemble Themselves at the said Town, & then & there to Assess each & Every Freeholder, Inhabitant & Resident of the whole Township aforesaid, what Number & Proportion of Squared Timber, Bricks & Stone, Each Such Respective, Freeholder, Inhabitant & Resident, Shall at his or their own Expence, cause to be brought to the said Town & Place, for the Erecting the said Block Houses within Such convenient Time as they the said Justices and Captains or the Major part of Them Shall Direct.

AND be it further Enacted by the Authority aforesaid, that in case any Person, Shall Refuse to bring his Part of the said Timber, Bricks, or Stone within the Time Limited & Directed, he Shall for each Piece of Square Timber forfeit the Sum of Six Shillings, for Each Hundred of Bricks two Shillings & for Each Load of Stone Three Shillings, which Several Sums are to be Recovered by Action before any Justice of the Peace within the County aforesaid, which money shall be applied towards Compleating the Two Block Houses aforesaid.

[CHAPTER 859.]

[Chapter 859 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 648a. Revived by chapter 879.]

'An Act to revive an Act Entituled an  
Act to Provide able Pilots and to establish  
their Pilotage between Sandy Hook and the  
Port of New York

[Passed, April 9, 1748.]

WHEREAS an Act, Entituled an Act to Provide able Pilots and to Establish their Pilotage between Sandy Hook and the Port of New York Passed in the Fifth year of his Majesties Reign, and one other Act to Revive the Same, Passed in the Eleventh year of the said Reign, are Expired by their own Limitation, and forasmuch as the said first mentioned Act is necessary for the Safety & Security of Navigation to be Revived,

BE IT ENACTED by his Excellency the Governour the

Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above mentioned Act, Entituled an Act, to Provide able Pilots, and to Establish their Pilotage, between Sandy Hook and the Port of New York, Shall be and hereby is Revived, and Every Clause, Article & thing therein contained, to be & Remain in full Force & Virtue, to all intents, Constructions & Purposes whatsoever, from the Publication hereof, Until the Twenty fifth Day of March which will be in the year of our Lord Christ, one Thousand Seven Hundred & Fifty.

## [CHAPTER 860.]

[Chapter 860 of Livingston & Smith and Van Schaack, where the title only is printed. Revived by chapter 807.]

An Act for Raising the Sum of One Thousand Eight Hundred Pounds by a Publick Lottery, for a further Provision towards Founding a College, for the Advancement of Learning within this Colony.

[Passed, April 9, 1748.]

IN as much as it will greatly Tend to the welfare & Reputation of the Colony that a Proper & ample Foundation be laid for the Regular Education of Youth, and as so Good & Laudable a design must Readily excite the Inhabitants of this Colony To become Adventurers in a Lottery of which the Profits Shall be Employed for the Founding a College for that Purpose

BE IT ENACTED by his Excellency the the Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same That a Lottery be Erected within this Colony, and that for & Towards the Raising the Sum of One Thousand Eight Hundred Pounds, it Shall & may be Lawfull for any Person or Persons, Natives or Foreigners, Bodies Politick or Corporate to Contribute by Paying at or before the respective Times by this Act Limited in that behalf, To any Person or Persons herein after to be Appointed for that Purpose, The Sum of one Pound, Ten Shillings, or Divers entire Sums of One Pound Ten Shillings, upon this Act, and that Every Contributor or Adventurer for Every Such Sum of One Pound Ten Shillings, which he, She or They Shall so advance Shall be Interested in Such Lott or Share of & in the said Lottery Established by this Act, as is herein after Directed



& Appointed, and the Same Entire Sums of one Pound, Ten Shillings each, are hereby appointed to be Paid unto Such Person or Persons, as aforesaid, on or before the first Day of September Next.

AND be it further Enacted by the Authority aforesaid, That Peter Vallete & Peter Van Brugh Livingston, Shall be Managers for Preparing and delivering out Tickets, Receiving of Money for the said Tickets & to oversee the Drawing of Lotts, and to order, do & Perform Such other matters & things as are hereafter in & by this Act directed & appointed by Such Managers to be done & Performed, and that Such Managers, Shall meet Together from time to time, at Some Publick Place as to them Shall Seem most convenient for the Execution of the Powers & Trust in them Reposed by this Act, and that the said Managers, Shall cause Books to be prepared in which every Leaf Shall be Divided or Distinguished into three Columns, and upon the Innermost of the said three Columns, there Shall be Printed Eight Thousand Tickets, numbered, one, Two, Three, and so onwards in Arithmetical Progression where the common Excess is to be one, Until They arise to and for the Number of Eight Thousand, And upon the middle Column in every of the Said Books, Shall be Printed Eight Thousand Tickets of the same breadth & form, and Numbred in like manner, And in the Extream Column of the said Books, there Shall be Printed a Third Rank or Series of Tickets of the Same Number with those of the other two Columns, which Tickets Shall Severally be of an Oblong Figure, and in the said Books shall be Joyned with Oblique Lines, Flourishes or Dévices, in Such manner as the said Managers Shall think most Safe & Convenient, and that every Ticket in the extream or Third Columns of the said Books, Shall have Printed thereupon, besides the Number, the following words, viz't. The Possessor of this Ticket if Drawn a Prize, Shall be Intituled to the Prize so Drawn Subject to Such Deduction as is Directed by an Act of this Colony in that behalf

AND it is further Enacted by the Authority aforesaid, That the said Managers, Shall carefully examine all the said Books with the Tickets therein, and that the same be contrived, Numbered & made, according to the true intent & meaning of this Act, and all & Every Such Manager Respectively, is and are hereby Directed and required, upon his or their Receiving of every, or any Entire Sum of One Pound Ten Shillings in full

Payment for a Ticket, From any Person or Persons, contributing or Adventuring as aforesaid to cut out of said Book or Books, through the said Oblique Lines, Flourishes or Devices, Indentwise a Ticket of the Tickets in the said Extream Columns, which one of the said Managers Shall Sign with his own Name, and he or they Shall Permit the Contributor or Adventurer (if it be desired) To write his or her Name or Mark on the Two corresponding Tickets in the Same Book, and at the Same Time the said Managers, or one of Them, Shall deliver to the said Contributor or Adventurer the Ticket so cut off, which he, she or they are to keep & use for the better ascertaining, and Securing the Interest, which, he, She or They, His, her or their Executors, Administrators or Assigns, Shall or may have in the said Lottery, for the Monies so by him, her or them contributed or Adventured, until the said adventure by the Drawing the Lots, and the Payment of such Tickets as Shall be Fortunate Shall be fully Determined.

And be it further Enacted, That the said Managers at a Meeting as aforesaid, Shall cause all the Tickets of the middle Columns in the Books, to be cut Indentwise through the said Oblique Lines, Flourishes or Devices, and carefully Roled up, as much a Like as may be, and made fast with thread, and in the presence of Such Contributors or Adventurers as will be there Present, Cause all the said Tickets which are to be Roled up & made fast as aforesaid, To be put into a Box to be Prepared for that Purpose, and to be marked with the Letter (A) which is presently to be put in another Strong Box, and to be Locked up with two Different Locks & Keys, to be kept by as many Managers, & Sealed with their Seals until the said Tickets are to be Drawn, as is herein after mentioned, and that the Tickets in the first and Innermost Columns of the said Books, Shall remain still in the Books for Discovering any mistake or Fraud, if any Such Should happen to be Committed, Contrary to the True intent & meaning of this Act.

AND be it further Enacted by the Same Authority that the Managers before mentioned, Shall cause to be Prepared, other Books, in which every Leaf Shall be Divided or Distinguished in two Columns, and upon the Innermost of these Two Columns, there Shall be Printed Eight Thousand Tickets & upon the outermost of the said two Columns there Shall be Printed Eight Thousand all of which shall be of Equal Length &



Breadth, as near as may be, which two Columns in the said Books, Shall be Joined with Some Flourishes or Devices, through which the outermost Tickets may be Cut of Indentwise, & that one Thousand, Three Hundred & Four Tickets part of those to be contained in the outermost Columns of the Books Last Mentioned, Shall be called the Fortunate Tickets, to which Benefits Shall belong as herein after mentioned, and the said Managers, Shall cause the said Fortunate Tickets to be written upon or otherwise Expressed, as well in Figures, as in words at Length, in manner following That is to Say, Upon one of Them Five Hundred Pounds, upon one other of them, Three Hundred Pounds, Upon Two of them Severally Two Hundred Pounds, Upon Ten of them Severally, One Hundred Pounds, Upon Twenty of Them Severally Fifty Pounds, Upon Thirty of them Severally, Twenty Five Pounds, Upon Forty of them Severally, Twenty Pounds, Upon Fifty of them Severally Fifteen Pounds, upon one Hundred & Fifty of them Severally Ten Pounds, & upon one Thousand of Them Severally Five Pounds, which Sums so to be written or otherwise Expressed upon the said Fortunate Tickets, will amount in the whole to the Sum of Twelve Thousand Pounds, which is the Produce of Eight Thousand Tickets according to the Valuation of one Pound, Ten Shillings, for each Ticket as before mentioned.

AND be it further Enacted by the Authority aforesaid, That the Managers before mentioned, Shall cause all the said Tickets contained in the outermost Column of the last mentioned Books in the Presence of Such contributors or Adventurers as will then be there Present, To be cut out Indentwise Through the said Flourishes or Devices & Carefully Rolled up as near as may be alike, and fastned with thread & Put into another Box to be Prepared for that Purpose, and to be marked with the Letter (B) which Box Shall Presently be put into another Strong Box & Locked up & Sealed in the manner as Box Lettered (A) until these Tickets shall also be Drawn in the manner and Form hereafter mentioned, And that no money Shall be received from any Contributor or Adventurer, towards this Adventure as aforesaid, after the first Day of September next, and that the whole Business of Rolling up & Cutting off and Putting in the said Boxes, the said Tickets, and Locking up & Sealing the said Boxes, Shall be Performed by the said Managers, on or before the said first Day of September next, And to the End

every Person concerned may be well assured That the Counter Part of the Same Number with his or her Ticket is Put into the Box marked with the Letter (A) From whence the Same may be Drawn, and that other matters are Done as hereby Directed, Some publick Notification in Print shall be given of the Precise Time or Times of Cutting the said Tickets, and putting them into the Boxes, To the End that such Adventures as Shall be minded to See the Same done, may be Present at the Doing thereof.

AND be it further Enacted by the Authority aforesaid, That on or before the said first Day of September next, The said Managers shall cause the said Several Boxes, with all the Tickets therein to be brought into the City Hall of the City of New York, by Nine of the Clock in the Forenoon of the Same Day, and Shall then & there attend the Service in order for Drawing, with Two Clerks, with Books prepared for that Purpose, to Enter Down all the Fortunate Tickets, and the said Managers being Prepared for Drawing, Shall cause the Two Boxes containing the said Tickets, To be Severally taken out of the other Two Boxes, in which They Shall have been Locked up, and the Tickets or Lotts in the respective Innermost Boxes Being in the Presence of the said Managers, and of Such Adventures as will be there present for the Satisfaction of Themselves, well Shaken & mingled in each Box Distinctly And Some one Indifferent & fit Person to be appointed & Directed by the Managers, Shall take out & Draw one Ticket from the Box where the said Numbred Tickets shall be as aforesaid Put, and one other Indifferent & fit Person to be appointed & Directed in the like manner, Shall Immediately Draw a Ticket or Lott, From the Box where the one Thousand Three Hundred & Four fortunate, & Six Thousand, Six Hundred & Ninety Six Blank Tickets, Shall be Promiscuously Put as aforesaid and Immediately both the Tickets so Drawn, Shall be opened, and the number, as well of the Fortunate, as the Blank Tickets, Shall be named aloud, & if the Ticket taken or Drawn from the Box, Containing the Fortunate & Blank Lots, Shall appear to be Blank, then the Numbered Ticket so Drawn, with the said Blank, at the Same Time Drawn, Shall be wrote upon Blank, and Shall Both be put on one File, and if the Ticket so Drawn or taken out of the Box, containing the Fortunate & Blank Lots, Shall appear to be one of the Fortunate Tickets, then the Sum written upon Such Fortunate Ticket



(whatever it may be) Shall be Entred by the Clerks so appointed into the Books Prepared for that Purpose, together with the Number coming up with the Said Fortunate Ticket, and one of the said Managers shall Set their Name as a witness to every Such Entry, and the said Fortunate & Numbered Tickets So Drawn together, Shall be put upon another File, And so the said Drawing of the Tickets shall continue by taking one Ticket at a Time out of Each Box, and with opening naming aloud & filing the Same, and by Entring the Fortunate Lots in Such method as is before mentioned, until the whole Number of one Thousand Three Hundred and Four Fortunate Tickets Shall be compleatly Drawn, and if the Same cannot be Performed in one days Time, the said Managers, Shall cause the Boxes to be Locked up & Sealed in the manner as aforesaid, And adjourn till the next Day, and so from Day to Day, and every Day (Except Sundays) And then open the Same & Proceed as above, till the said whole Number of Fortunate Tickets Shall be Compleatly Drawn as aforesaid.

AND to the End That the Adventurers may have all Possible Satisfaction in the Due, Regular and Just management of the said Lottery, BE IT ENACTED by the Authority aforesaid, That the Mayor, Recorder, Aldermen, and Commonality of the City of New York, may and are hereby empowered, To appoint every Day, during the whole Course of the Lottery, Two or more of their body, to inspect all and every Transaction of the said Lottery hereby directed and Required, and that each County in the Colony may and are hereby Empowered if They See cause, to Depute two Justices of the Peace, or other Reputable Freeholders or Inhabitants for the aforesaid Inspection, with Proper Certificates of their being so Deputed, from the next or any Subsequent General Session of the Peace, and the Said Managers are hereby Directed & Required to Admit them, and the said Members of the said Corporation to the aforesaid Inspection accordingly.

BE IT ENACTED by the Authority aforesaid, That immediately after the Drawing be Finished, the said Managers are hereby Required, to Publish in the New York Gazete. The Numbers Drawn against the Fortunate Lotts with the Prizes or Sums Drawn by, or belonging to Each of Them respectively, and As soon as the Drawing Shall be over Shall Pay the said Sums to Such Persons who shall Produce Tickets with the Numbers

**Drawn against Such Fortunate Lots, They the said Managers first Deducting Fifteen per Cent out of the said Fortunate Lots, to be applied, as is hereinafter Directed.**

**AND be it further Enacted by the Authority aforesaid, That if any Person or Persons, Shall Forge, or Counterfeit any Ticket or Tickets to be made forth on this Act, or Alter any of the Numbers thereof, or bring any Forged or Counterfeited Tickets, or any Ticket whereof the Number is Altered, knowing the Same to be Such, To the said Managers or either of Them, for the Time being, To the intent to Defraud the Colony, or any Contributor or Adventurer, or the Executors Administrators, or Assigns, of any Contributor or Adventurer upon this Act, That then every Such Person or Persons (being thereof Convicted in Due form of Law) Shall be Adjudged a Felon, & Shall Suffer Death, as in Cases of Felony, without Benefit of Clergy, and the said Managers, or Either of them, are hereby Authorized Required and empowered, to cause any Person or Persons, bringing Such Altered, Forged or Counterfeited Ticket or Tickets as aforesaid; To be Apprehended & to Commit him her or Them to his Majesties Goal of the City of New York, To be Proceeded against for the said Felony according to Law.**

**AND BE IT ENACTED by the Authority aforesaid That every of the Managers hereby Appointed for Putting this Act in Execution, before his Acting in Such Commission, Shall take the oath following, That is to Say, I, A. B. do Swear, That I will Faithfully execute the Trust, Reposed in me, & that I will not use any Indirect Art or means, or Permit, or Direct any Person to use any Indirect Art or means to obtain a Prize or Fortunate Lot, for my Self or any Person whatsoever, and that I will do the utmost of my Endeavours to Prevent any undue or Sinister Practice to be done by any Person whatsoever, & that I will to the best of my Judgment Declare to whom any Prize Lot or Ticket of Right does belong, according to the true Intent of the Act of Governour, Council & General Assembly, Passed in the Twenty first year of his Majesties Reign in that behalf, which oath Shall be Administred by one of the Justices of the Supreme Court of this Colony.**

**PROVIDED always and be it Enacted by the Authority aforesaid That the Managers hereby appointed, before They take the oath Prescribed by this Act, or Perform or Execute any thing therein contained, Shall first enter into the following Re-**



cognizances to our Sovereign Lord the King, his heirs & Successors, That is to Say, Each of Them before one of the Justices of the Supreme Court, in the Sum of Four Thousand Pounds, with two Sufficient Securities Each in half that Sum, Conditioned that They Shall & will well & truly, each for his Part, execute the Trust reposed in them by this Act, and well and Truly observe, do and Perform all the Directions thereby Required, to be done & Performed by them, according to the True intent & meaning thereof, which Several Recognizances, are to be Delivered to the Treasurer, by the Justice before whom the Same Shall be so taken (having first caused the Same to be Recorded in the Minutes of the Supreme Court) in order to be Lodged in the Treasury.

AND be it further Enacted by the Authority aforesaid, that the Several Deductions of Fifteen pr Cent, upon the whole Number of Fortunate Tickets, Shall be Paid into the Hands of the Treasurer of this Colony, by the Managers hereof, out of which there shall be allowed in case the Lottery Shall be Actually Drawn, the following Sums (viz't) To Each of the said Managers, The Sum of one Hundred Pounds, To each of the two Clerks, Six Shillings per Diem for every Day they shall be Actually employed in the said Drawing, To each of the Two Persons, who Shall Draw the Tickets, Three Shillings per Diem for every Day they Shall be so Employed, & all Reasonable Charges for Printing Books, Tickets & Advertisements, and Such other Incidents as may necessarily be Required in the said Lottery, and the monies arising from the said Several Deductions of Fifteen per Cent upon the whole Number of Fortunate Tickets, The aforesaid Charges of Management being first Deducted, Shall be paid into the hands of the Treasurer, To be and remain in the Treasury, To and for the Purpose of Founding a College for the Education of Youth, and to & for no other Purpose whatever, in Such manner, as Shall be hereafter Directed by Act or Acts of the Governour, Council and General Assembly.

AND that the Purpose of Founding the said College, may not be obstructed by any other applications of the Monies to arise from the Profits of the said Lottery. Be it Enacted by the Authority aforesaid, That Each & every Representative in General Assembly for the Time being, who Shall hereafter in General Assembly, Move, or Consent to the Applying, or appropriating the said Monies, To any other Purpose whatsoever, than

the Founding the College aforesaid, Shall be and hereby is Declared and made forever Incapable of Sitting & Voting in this or any Future General Assembly, and New Writs Shall issue accordingly.

AND be it further Enacted by the Same Authority, That no Fee or Gratuity whatsoever, Shall, or may be Demanded, or Taken of any Person or Persons Contributor or Adventurer to the Lottery aforesaid, by any Manager, or Managers, or any other officer or officers appointed by this Act, For any thing that Shall be Done Pursuant to this Act, upon Pain, that any officer or Person offending, by taking any Fee or Gratuity contrary to this Act, Shall Forfeit the Sum of Fifty Pounds, to the party grieved, To be Recovered with full Costs in any of his Majesties Courts of Record within this Colony.

AND BE IT ENACTED by the Authority aforesaid, That in case all the Said Eight Thousand Tickets, Shall not be Sold & Disposed of, before the said first Day of September next, That then the Money that has been Received for any Ticket or Tickets by virtue of this Act, Shall be by the said Managers Repaid to the Person or Persons of whom the Same Shall have been Received, his, her, or their Executors, Administrators or Assigns, he, She or They first Producing the Several Tickets for which Such Repayment, Shall be Required, And the Lottery hereby Erected & made, Shall from Thenceforth become Void, any thing in this Act contained to the Contrary hereof Notwithstanding. And in Such case the Treasurer, aforesaid, Shall Pay out of any Money then in the Treasury (Except Such as Shall be appointed for the Annual Support of Government, and Such as has arisen by the Late Lottery Act) the Several Incidents before mentioned, upon Proper Certificates, Signed by the said Managers, and Receipts thereon, Shall be good Vouchers to him for the Payment thereof, For the Amount of which the General Assembly Shall and will Provide ways and means to repay & Replace the Same.

PROVIDED and be it Enacted, That in Case, the said Eight Thousand Tickets aforesaid, be Sold & Disposed of in the manner aforesaid, before the Said first Day of September next, That then the Managers Shall Proceed to Drawing the Lotts, in manner aforesaid, first giving Publick Notice thereof in the New York Post Boy, at Least Fourteen Days before the Drawing the Same, any thing in this Act to the Contrary Notwithstanding.



AND be it further Enacted by the Authority aforesaid, That if Either of the before mentioned Managers Shall happen to Die, Remove out of this Colony, or Refuse to Act, according to the Several & Respective Powers and Authoritys hereby Directed & Required it shall, and may be Lawfull to and for the Governour, or Commander in Chief for the Time being, by and with the advice and Consent of his Majesties Council, to Nominate & Appoint Some other Fit Person or Persons, to be Manager or Managers, in the Place & Stead of the Manager, or Managers, so Dying Removing or Refusing to Act as aforesaid, any Thing herein contained to the contrary Notwithstanding. PROVIDED That the Person or Persons, who may be so appointed, Shall be obliged to take the like oath, Enter into the like Recognizance, and Sureties, as is herein Directed to be done by the Managers named in this Act, and be in all respects, as Subject to observe and Perform the Several Directions of this act, as if He or They had been named or Appointed in it.

[CHAPTER 861]

[Chapter 861 of Livingston & Smith and Van Schauck, where the act is printed in full. Amended by chapter 931.]

An Act for the more Effectual Cancelling  
the Bills of Credit of this Colony.

[Passed, April 9, 1748.]

WHEREAS a great Number of the Bills of Credit of this Colony, are & Remain Uncancelled, through the Neglect, Death, or Absence of Such Persons, who by the respective Acts of this Colony were Empowered to Cancel the Same, and to the End, that the Estimation & Value of the Bills of Credit of this Colony, may not be Lessened and that no Person may Suffer for the want of a Due, Strict, and orderly Cancelling the said Bills.

BE IT ENACTED by the Governour, the Council & General Assembly, and it is hereby Enacted by the Authority of the Same, That David Jones, Cornelius Van Horn, Paul Richard, & Henry Cruger Esq's or any Three of them, Shall be and hereby are Appointed Commissioners, and Empowered & Required, To See Cancelled all & every the Bills of Credit of this Colony, which from Time to Time shall be ready for Cancelling, in manner as is hereafter Directed, and that all & Every Article & Clause in all & every the Acts heretofore Passed in this Colony with respect only to the manner & method of Sink-

ing and Cancelling Bills of Credit and in the Presence of whom They shall be Cancelled, Shall be & hereby are Declared and made Null and Void.

AND be it further Enacted by the Authority aforesaid, That the said commissioners or any Three of them, Shall in the first Week of June & November, in Every Year, Attend at the Treasury, and See Burned to Ashes, the Bills of Credit, Directed to be Cancelled, and then ready & Prepared for Cancelling, and the said Treasurer is hereby Directed & Required to give Notice in writting to the said Commissioners, what Days in the said Weeks, he shall be ready & Prepared to Cancell the Same, and Shall insert in the said Notice the Number of Bundles of Bills, the years & Cause of Emission, & the Denomination or Value of each Sort of Bills, so to be Cancelled & Destroyed, and also the Sum, what each Respective Fund for Cancelling Bills of Credit, has Produced, in order to know the Amount of the Bills of Credit, then to be Cancelled, And the said Commissioners are hereby Directed & Required, Carefully to Tell & Examine the Bills in the said Bundles, and to See Them burnt & Destroyed in manner as aforesaid, and of the whole to Deliver in, a Just and True Account on oath, to the Governour, or Commander in Chief, the Council & General Assembly for the Time being, when by them or any of them thereunto Required.

AND be it further Enacted by the said Authority That for Every willfull Omission or Neglect, either by the said Treasurer, or the aforesaid Commissioners Respecting the said Service, Each & every of them, for each Such his Omission & Neglect, Shall Forfeit and Pay the Sum of Five Pounds.

AND to the End That the good Purpose of Duly Cancelling & Destroying the said Bills of Credit may not be Obstructed for want in the Treasury, of a Sufficient Number of the Respective Bills to be then Cancelled, the said Treasurer is hereby Directed & Required to Endeavour to procure by Exchanging for other Publick Bills of Credit of this Colony, the full Sum of the Several & Respective Bills of Credit Some Time before the respective Times appointed for Cancelling and Destroying the Same, And if it shall so happen, That the said Treasurer at the Times of Cancelling, Shall not have in the Treasury, or Shall not be able to Exchange a Sufficient Number of Bills, He may in Such case, and he is hereby Directed and Required to Cancell in the Room & Stead thereof, in the Presence of the before named



Commissioners, or any Two of Them, and in manner as aforesaid, any other of the Bills of Credit of this Colony then in the Treasury, to make good Such Defeciency, The said Treasurer, and the said Commissioners keeping an Exact Account thereof, in manner before Directed, always Observing to Cancell Such Bills first, as are of the oldest Date, or are most Shattered and Defaced, which said other Bills so Canceled, Shall by the Treasurer be brought to the Account of the Funds to which they respectively belong, And the said Several Funds for Sinking the said Bills, Shall be Appropriated, as the said Several Exchanges Shall be made, Provided always that the Produce of the Several and respective Funds, for the Support of the Government, be kept Intire and no ways Lessened thereby.

AND WHEREAS by an Act Entituled an Act for Emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, and other the Purposes therein mentioned Passed in the Eleventh year of his Majesties Reign, it is Enacted that the persons therein mentioned, Shall at certain Periods, Cancell the Bills of Credit then Emittid, which Times or Periods of Cancelling, have by a Subsequent Act, Passed in the Seventeenth year of his Majesties Reign, been Altered & Prolonged to the Third Tuesday in the Month of April in the years, One Thousand Seven Hundred & Fifty one, one Thousand Seven Hundred & Fifty Two, one Thousand Seven Hundred & Fifty Three, and one Thousand Seven Hundred & Fifty Four, which method of Cancelling was to be by Laying Some Numbers of the Bills orderly one above another, and Cutting a Triangle from the upper Side of Them, and the Triangles Cut out, to be Burnt & Destroyed in the presence of the Justices & Supervizors therein Mentioned, And the Remaining parts to be Delivered to the Treasurer, and as Some of the said Bills which are now to remain Current to the year One Thousand Seven Hundred & Fifty four, will Probably be so much Shattered Torn, & Defaced, That the Remaining Part to be Delivered to the Treasurer, will not Discover what the Said Bills have been. BE it therefore further Enacted by the Authority aforesaid, That the respective Loan officers therein mentioned, when the Directions have been Pursued, & the Examinations by the Supervizors & Justices have been made & done, as Directed by the said Act, they Shall deliver over to the Treasurer the said bills without Such

Cutting as aforesaid, and the said bills Shall be Cancelled in the Presence of the said Commissioners or any two of them in the Same manner with the other bills to be cancelled by this Act

AND be it further Enacted by the said Authority That the said Treasurer Shall, and is hereby Directed and Required, in the first Week in October in every Year, to cause to be Advertized in one or more of the Publick News Papers of this Colony, the Time when the next Cancelling of the Bills of Credit is to be, and to desire all Persons Possessed of Shattered, Torn or Defaced bills of Credit, to bring them to the Treasury, in order to be Exchanged for other bills fit to Pass, which said Defaced Exchanged bills, Shall be Cancelled and Destroyed by the said Treasurer in the presence of the Commissioners aforesaid, or any two of them in the Same Manner as is Directed in respect to the other Bills of Credit to be Cancelled by this Act, which said Defaced bills so Cancelled Shall by the Treasurer be brought to the Accounts of the Funds to which they Respectively belong, or to any other Fund of which there Shall then be a Deficiency of Bills in the Treasury then to be Sunk.

AND be it further Enacted by the Authority aforesaid that the Speaker of the General Assembly for the Time being, Shall at every Meeting of the General Assembly, after the first day of November in every Year, cause to be Published in the Votes & Proceedings of the said General Assembly, and in one or more of the Publick News Papers of this Colony, the True State & account of the Several & respective Funds for Cancelling the Bills of Credit of this Colony, what each Fund has Produced to the first day of September in every Year, what the Amount of the Bills of Credit of the Several Emissions, or in case of Deficiency, what others in the Stead thereof, have been Sunk to the said first day of September, To the End that the Publick may be advertized of the True State & ballance of the said Funds & what Bills have been Sunk in Discharge thereof.

AND to the End that the said Commissioners herein before mentioned and appointed, may be Encouraged to do and Perform the Several Services hereby Directed to be Done and Performed by Them, Be it Enacted by the Authority aforesaid, That for Every day that They Shall be actually Employed in the said Service of Cancelling the Bills of Credit as aforesaid,



They shall each & every of them have and Receive for each Days Service and Attendance, The Sum of Twenty Shillings, which the said Treasurer is hereby Directed to Pay Them, out of the Funds appropriated for the Support of the Government, and their Receipts to the said Treasurer, Shall be a Sufficient Discharge for the Same, and it is also Directed, That the hours for Attendance to be Computed for one Day, Shall be at least From Ten, to Twelve in the Morning, and from Two, to Five in the Afternoon.

AND be it further Enacted by the Authority aforesaid That if more than Two, of the above named Commissioners, Shall Die, Remove out of the Colony, or Refuse to Act as is hereby required, it shall and may be Lawfull to and for the Governour or Commander in chief of this Colony for the Time being, by and with the Advice and Consent of his Majesties Council for this Colony, To nominate and Appoint Some other Fit Person or Persons in the Place or 'Stead, of Such Person or Persons so Dying, Removing or Refusing to Act as aforesaid, which Person & Persons so nominated and appointed, Shall have and be vested with full Powers and Authorities be Lyable to the like Penalties and Forfeitures, and Entitled to the same Reward as if he, or They was, or were named and appointed a Commissioner or Commissioners in and by this Act, any thing herein contained to the Contrary notwithstanding.

#### [CHAPTER 862]

[Chapter 862 of Livingston & Smith and Van Schaack, where the act is printed in full.]

'An Act for Appointing Commissioners to take, Examine & State the Publick Accounts of the Colony of New York, From the year, one Thousand Seven Hundred & Thirteen.

[Passed, April 9, 1748.]

FORASMUCH as the publick faith, Credit & Trade of the Colony may greatly Suffer for want of a due & Regular Examination and State of the Publick Accounts.

BE IT ENACTED by his Excellency the Governour, the Council & General Assembly, and it is hereby Enacted by the Authority of the same, That the Members of the General Assembly for the Time being for the City & County of New York, or the major part of them, shall be & hereby, are appointed Com-

missioners, to take, Examine & State the Publick Accounts of the Colony, From the year, one Thousand Seven Hundred & Thirteen, To the first day of September which will be in the year of our Lord one Thousand Seven Hundred & Fifty, in Such a manner & method, as to them, or the major part of them shall Seem best for answering the good Purposes hereby Intended, So that the whole of the said Accounts, be Digested & placed under proper heads, or Titles in respect to the past present & future Branches of the Revenue, which Accounts so Examined & Digested, Shall be duly & Regularly Entered in Books for that Purpose, in the manner and method that Shall be Formed & Directed by the said Commissioners or the major part of them.

AND BE IT further Enacted by the Same Authority That the Clerk of the General Assembly for the Time being, Shall be and hereby is Empowered & Required, duly & carefully to Examine all the Future Receipts & Issues of the Publick Monies in the Treasury, From the said first day of September, one Thousand Seven Hundred & Fifty, and that from Time to Time he do Range & Place them under proper heads, and from the whole Draw a Ballance, yearly Ending every first day of September, under the Inspection & Direction of the said Commissioners or the major part of Them.

AND be it further Enacted by the Same Authority, That the Treasurer of the Colony for the Time being, Shall, & he is hereby required & Directed, to allow & permit the said Commissioners, their known Clerk, and the Clerk of the General Assembly for the Time being, Free Access to, and the Perusal & Examination of all or any of the Treasurers Books of Accounts.

AND be it further Enacted by the said Authority, That the said Treasurer, do Pay unto the order of the said Commissioners, or unto the order of the Major part of them, out of the Funds appropriated for the Support of the Government, The Sum of Fifty Pounds, for a Clerk or Clerks, and for other Contingencies necessary to the carrying on and Compleating the Examination & Stating the said Publick Accounts, in manner as aforesaid, And unto the said Clerk of the General Assembly, out of the aforesaid Funds, Yearly the Sum of Fifteen Pounds, as a Salary for Examining, Continuing & Carrying on the said Publick Accounts in manner as aforesaid, & the order of the said Commissioners, or the order of the major part of them, certifying yearly, That the said Clerk, has well & Truely Performed the said Ser-



vice, which order and the Receipt of the Clerk of the General Assembly thereupon, and the order before mentioned, for the Sum of Fifty Pounds, to the said Commissioners, Shall be to the said Treasurer, a Sufficient warrant & Discharge for the Same respectively

AND be it further Enacted by the Authority aforesaid, To the End that all Persons concerned may know & be Acquainted with the State & condition of the Publick Accounts & Funds, That the Speaker of the General Assembly for the Time being, Shall within Ten Days after the first day of September in every Year, or as soon as may be after the said Day, order & direct the Publishing, a Short and General State of the Publick Account & Funds, in the Votes & Proceeding of the General Assembly, and in one or more of the Publick News Papers of this Colony.

#### [CHAPTER 863]

[Chapter 863 of Livingston & Smith and Van Sennack, where the true only is printed. Expired March 24, 1748.]

An Act for the Relief of Insolvent Debtors  
in the Colony of New York with respect to  
the Imprisonment of their Persons

[Passed, April 9, 1748.]

WHEREAS many Persons by Losses & other misfortunes are Rendred incapable of Paying their whole Debts, and Though they are willing to make the utmost Satisfaction They can, are nevertheless detained in Prison by their Creditors, And whereas Such unhappy Debtors have always been Deemed the Proper objects of Publick compassion, therefore for Relief of Such Prisoners who Shall be willing to Satisfy their Creditors as far as They are able.

BE IT ENACTED by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the Same, That if any Person or Persons now charged in Execution, or having been Committed for the Space of Three Months, or Longer upon a Capias for any Sum or Sums of Money not Exceeding in the whole, The Sum of One Hundred Pounds, current money of this Colony, From & after the Twenty fourth Day of March in this Present year, one Thousand Seven Hundred & Forty Seven, Shall be minded to deliver up to his, her, or their Creditors, all his, her or their Effects towards the Satisfaction of the Debts wherewith, He, She or They Stand

ged, it shall & may be Lawfull for Such Prisoners to  
bit a Petition to any of the Courts of Law within this  
ny, or to any one Judge & Three Assistants thereof, From  
ice the Process issued upon which He, She or They, was  
ere Taken or Charged in Execution or other Process as  
esaid, Certifying the Cause or Causes, of his, her or their  
risonment, and an Account of his, her or their whole Real  
ersonal Estate with the Dates of the Securities wherein  
part of it consists, and the Deeds or Notes Relating there-  
, and the Names of the Witnesses to the Same, so far as  
her or their Knowledge extends thereto, and upon Such  
ion the Court, or Judge & Three Assistants, may and are  
by Required by Rule of Court, or order of the Judge &  
stants To cause the Prisoner to be brought before Them,  
the Several Creditors, at whose Suit or Suites, he, She or  
Stand charged as aforesaid, and all other his or her  
itors That are or can be known to the Court, or the Judge  
sistants to be Summoned to appear Personally, or by their  
neys, at a Day to be appointed for that Purpose, and upon  
Day of Such Appearance, if any of the Creditors Summoned,  
se, or Neglect to appear upon Affidavit made of the Due  
ce of Such Rule or Order, or upon Affidavit made that the  
tor or Creditors, are not to be found, the Court, or the  
e & Assistants, Shall in a Summary way Examine into the  
er of the said Petition & hear what can or Shall be  
lged on Either Side, For or against the Discharge of Such  
ner, & upon Such his Examination the Court, or the Judge  
sistants may & are hereby required to Administer or Tender  
e Prisoner an oath or Affirmation to the Effect following  
n Oath or Affirmation the said Court, or Judge & Assistants,  
hereby Empowered to Administer. I. A. B do Solemnly  
e in the presence of Almighty God (or being of the People  
d Quakers) Sincerely & Truely declare & Affirm, That the  
unt by me delivered in my Petition, doth contain a full  
ue Account of all my Real & Personal Estate, Debts,  
ts & Effects whatsoever, which I or any in Trust for me,  
or at the Time of my Petition had, or am, or was in any  
ect entitled to in Possession, Remainder or Reversion ex-  
the wearing Apparel & Beding for me and my Family, and  
ools or Instruments of my Trade or Calling not Exceeding  
Pounds in Value in the whole, and that I have not at any



Time, Since my Imprisonment, or before, Directly or Indirectly, Sold, Leased, Assigned, or otherwise Disposed or made over in Trust for my Self or otherwise, other than is mentioned in Such Account, any Part of my Lands, Estate, Goods, Stock, Money, Debts, or other Real & Personal Estate, whereby to have or expect any Benefit or Profit to my Self, or to Defraud any of my Creditors to whom I am Indebted.

AND in case the Prisoner Shall in open Court or before a Judge and Assistants, take the said Oath or Affirmation, and upon Such Examination, and his, or her taking the said oath or Affirmation, the Creditors Shall be Satisfyed with the Truth thereof, The Court, or the Judge & Assistants may immediately order the Lands, Goods & Effects contained in Such Account, or so much of Them as may be Sufficient to Satisfy the Debts wherewith he, or She, is or Shall be Charged, together with Costs of Suit, and the Fees Due to the Keeper of the Goal or Prison from which the Prisoner was brought, To be by a Short Endorsement on the back of Such Petition Signed by the Prisoner, Assigned to the said Creditors or one or more of Them, in Trust for the rest of Them, or to Some Proper Person to be by the said Court, or by the Judge & Assistants apointed in Trust for all the Creditors, And by such Assignment the estate, Interest & Property of the Lands, Goods, Debts & Effects so Assigned, Shall be vested in the Person or Persons to whom such Assignment is or Shall be made, who may take Possession of, or Sue for the Same, in his, or their own Name or Names in Like manner as Assignees of Commissioners of Bankrupt, to which Suit no Release of the Prisoner, his or her Executors or Administrators, or any Trustee for him or her Subsequent to Such Assignment, Shall be any Barr, And immediately upon Such Assignment Executed the said Prisoner, Shall be Discharged out of Custody by order of Court, or of the Judge & Assistants, and Such order Shall be a Sufficient, Warrant to the Sheriff, Goaler, or Keeper of Such Prison to Discharge the said Prisoner if Detained for the Causes mentioned in Such Petition & no other, and he is hereby Required to Discharge & Set him at Liberty forthwith without Fee, nor Shall Such Sheriff or Goaler be Lyable on any Action of Escape or other Suit or Information upon that Account, and the Person or Persons to whom the said Effects, Shall be Assigned Paying the Fees to the Goaler or keeper of the Prison in whose Custody the Party

discharged was, Shall & are hereby required to Divide the Effects so Assigned among the Creditors, and all the Persons for whom They Shall be Intrusted, in Proportion to their respective Debts, but in case the Person or Persons at whose Suit Such Prisoner was charged in Execution or in Custody upon other Process as aforesaid, or any other Creditors Shall not be Satisfyed with the Truth of Such an oath or Affirmation, but shall desire farther Time to inform himself of the matters contained therein. The said Court or the Judge and Assistants may & Shall, Remand the said Prisoner, and Direct the said Prisoner and the Person or Persons Dissatisfyed with Such oath or Affirmation, to appear at another Day to be appointed by the said Court or the Judge & Assistants & if at Such Second Day so to be appointed, the Creditor or Creditors dissatisfyed with Such oath or Affirmation shall make Default in appearing, or in Case he or They Shall appear, but shall be unable to Discover any Estate or Effects of the Prisoner omitted in Such his, or her Petition, or to Shew any Probability of his or her having been forsworn, or to have Declared falsely in the said oath or Affirmation then the said Court, or the Judge & Assistants Shall immediately cause the said Prisoner to be Discharged, upon Such Assignment of his or her Effects in manner as aforesaid, unless Such Creditor or Creditors do insist, upon his, or her being detained in Prison, and do agree by writting under his hand, to Pay & allow any Sum of Money that Shall be Assessed by the said Court, or by the Judge and Assistants, not exceeding Three Shillings per week unto the said Prisoner, to be paid the Monday of every week so long as he, or She Shall continue in Prison at his, her or their Suits, on failure of the Payment of which weekly Sum at any Time the said Prisoner Shall forthwith upon Application to the Court or to the Judge & Assistants, be Discharged by Such order as aforesaid, but in case the said Prisoner Shall Refuse to take the said oath or Affirmation or having taken the Same, Shall be Detectd of Falsity therein, He or She Shall be presently Remanded

AND be it further Enacted by the Authority aforesaid, that no Person to be Discharged by this Act, Shall at any Time hereafter be Imprisoned by reason of any Judgment or Decree Obtained for Payment of Money only, or for any Debt, Damages, Costs, Sum or Sums of Money contracted Occurred, Occasioned, owing or growing Due before the Time of his or



her Discharge, but that upon every arrest Every Such Judgment or Decree for Such Debts, Damages, Costs, Sum or Sums of money, it shall and may be Lawfull for any Judge of the Court, where the Process issued, upon Showing the Duplicate of Such Prisoners Discharge or Discharges, To release & discharge out of Custody Such Prisoner or Prisoners as aforesaid, and the Judge is hereby Empowered so to do, So as every Such Prisoner or Prisoners, arrested or detained upon Execution or other Process as aforesaid, do give a Warrant of Attorney to appear to every Such Action & plead thereunto.

AND be it further Enacted by the Authority aforesaid, That if any Action of Escape, or any Suit or Action be brought against any Sheriff Goaler or keeper of any Prison for Performing their office in Pursuance of this Act, they may Plead the General Issue and give this Act in Evidence. And if the Plaintiff be non Suited or discontinue his Action, or verdict passed against him, or Judgment upon Demurrer, the Defendant Shall have Treble Costs, Provided that the Discharge of any Person by virtue of this Act, shall not acquit any other Person from Such Debts, Sum or Sums of money, or any part thereof, but that all others Shall be answerable for the Same in Such manner as before the Passing of this Act, and Provided that this Act, Shall not extend to Discharge any Person out of Prison who Shall Stand Chargeable at the Suit of the Crown only.

PROVIDED always and be it further Enacted by the Authority aforesaid, that notwithstanding the Discharge of the Person of Such Prisoner or Prisoners as aforesaid, all & every Debt or Debts due and owing from the said Prisoner or Prisoners, and all & every Judgment or Judgments had & taken, and Decree Obtained against him, or her Shall stand & be good and Effectual in the Law, to all intents and Purposes, against the Lands, Tenements, Hereditaments Goods and Chattels of the said Prisoner so Discharged as aforesaid, which, he, she or They or any Person or Persons in Trust for him, her, or them, at the time of Such Discharge, hath, or have, or at any Time hereafter Shall or may be in any wise Seized or Possessed of, Interested in, or Entitled to, either in Law or Equity, Except, his, her or their wearing Apparel, Bedding for his, her or their Familys, and working Tools & implements necessary for his, her or their occupations not Exceeding the Value of Ten

pounds in the whole, And it shall & may be lawfull to anu for Such Creditor or creditors of Such Prisoner or Prisoners so Discharged as aforesaid, his, her or their Executors or Administrators, To take out a New Execution against the Lands Tenements, Hereditaments, Goods & chattles of Such Prisoner or Prisoners (Except as before Excepted) For the Satisfaction of his, her or their Debts, in such Sort manner & form as he, she or they might have done if the Person or Persons of Such Prisoner or Prisoners had never been taken in Execution, or other Process as aforesaid, any Act, Statute, Law or Custom to the Contrary in any wise notwithstanding.

PROVIDED also and be it further Enacted by the Authority aforesaid, That if any Such Person, who Shall take such oath or Affirmation as aforesaid, Shall upon any Indictment for Perjury in any matter or Particular contained in the said oath or Affirmation, be convicted by his, or their own confession, or by verdict of Twelve Men as he, or She may be, by Force of this Act, the Person so convicted shall Suffer all the pains & Forfeitures which may by Law be Inflicted on any Person convicted of willfull Perjury, and Shall likewise be Lyable to be taken on any Process, De Novo, and Charged in Execution for the said Debt in the Same manner, as if he or she, had never been Discharged, or taken in Execution before, and Shall never after have any benefit of this Act.

PROVIDED also and be it further Enacted by the Authority aforesaid, That if the Effects so Assigned Shall not Extend to Satisfy the whole Debts Due to the Creditors of the Person or Persons so Discharged, and the Fees due to the Goaler, there shall be an abatement in Proportion, and Such Goaler Shall come in as a Creditor for what shall be then Due to him for his Fees, in proportion with the other creditors.

AND be it further Enacted by the Authority aforesaid That where there are Mutual Debts between the Debtor & Debtors, and his her and their Creditors, or if either Party Sue, or be Sued as Executor or Administrator, where there are any Mutual Debts between the Testator or Intestate, and either party, one Debt Shall be set against the other, and such matter may be given in Evidence, upon the General Issue, or Pleased in Bar, as the nature of the case Shall require, so as at the Time of the Pleading the General Issue, where any Such Debts of the Plaintiff, his Testator or Intestate is intended to be insisted on



in Evidence, notice Shall be given of the Particular Sum, or Debts so Intended to be insisted on, and upon what account it became Due, otherwise Such matter Shall not be allowed in Evidence upon the General Issue, PROVIDED That where any Rent shall be Due from any Prisoner or Prisoners at the Time of his or their Respective Discharges, no Goods or Chattles then lying, or being in or upon the Respective Tenements or Lands, so in Lease, or Lyable to be Destrained, Shall be removed or Disposed of without the consent of the Landlord, or Person to whom the Rent is Due, until the Same be Paid or Satisfyed, and that the Landlord may use all Lawfull ways for the having & Recovering his Rent, so as that the Same Exceed not one years Rent, by Distress or otherwise, as he might have had, or could have done before the making of this Act, any thing herein contained to the contrary in any wise notwithstanding, and Provided also that this Act, shall not Bar any absent or Distant Creditor who had not Notice of the Prisoners Application to the Court, or the Judge & Assistants as aforesaid

AND be it further Enacted by the Authority aforesaid that this Act Shall be of Force from the Publication thereof Until the Twenty Fourth Day of March, which will be in the year of our Lord one Thousand Seven Hundred & Forty Eight

[CHAPTER 864]

[Chapter 864 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act to make Provision for Several Services for the Defence and Security of the Frontiers and other Purposes therein Mentioned

[Passed, April 9, 1748.]

THAT all necessary Provision may be made for the Security and Defence of this Colony, and Several Services done for the benefit thereof duly paid, BE IT ENACTED by his Excellency the Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Treasurer of this Colony Shall be and hereby is Empowered and Required, out of the Residue of the Money remaining in the Treasury by virtue of an Act entituled an Act, For raising a Supply of Forty Thousand Pounds, by a Tax on Estates real & Personal, for Carrying on an Expedition against the French

in Canada, for Emitting bills of Credit for the like Sum, and for Sinking and Cancelling the said bills in Short Periods and other Purposes therein Mentioned, Passed in the Twentieth year of his present Majestys Reign, To pay the Several Sums of Money hereinafter Mentioned, in the manner following, That is to Say.

UNTO John Rosevelt and William Roome Esq's Commissioners of Fortifications for Finishing and Compleating the House Erected in Fort George, for the Residence of the Governours of this Colony, and for no other use or Purpose whatsoever, The Sum of Eight Hundred and Eighty Six Pounds, Sixteen Shillings.

UNTO Cornelius Van Schaak, for the Pay of the Rangers who were Employed in Scouring the Woods on the Northern Frontiers on the East Side of Hudsons River, until the first Day of November Last the Sum of Three Hundred & Forty Eight Pounds Seventeen Shillings and Six Pence.

UNTO Jacobus Van Slyck, Alixander Lansing and Peter Gronendyck for Putting Fort Cosby in the Town of Schenectady in good repair the Sum of Fifteen Pounds.

UNTO Cap't Arent Bradt, Cap't Jacobus Van Slyck Alixander Lansing & Peter Gronendyck for Providing Firewood and Candles for the use of the Persons who have been or may be Employed in Watching in the Five Block Houses at Schenectady during the Time of their Watching, from the first Day of October Last to the first Day of June next the Sum of one Hundred Pounds.

UNTO Coll'o Jacob Glen Cap't Jacobus Van Slyck Cap't Andreas Bradt & Peter Gronendyck for the Payment of Such Outscouts as have been or may be Employed and Sent out from the Town of Schenectady, from the first Day of November last To the first Day of May next the Sum of One Hundred Pounds.

UNTO Lendart Coneyn, Jan Burgert & Cornelius Van Schaak for the Payment of Such outscouts, as have been or may be Employed & Sent out, from the Town of Kinderhook from the first Day of November Last To the first Day of May next The Sum of Fifty Pounds.

UNTO Sybrant Van Schaak & Johaness G. Roseboom Esq's for Putting Fort Frederick in the City of Albany in good repair the Sum of Sixty Pounds.

UNTO the said Sybrant Van Schaak & Johaness G. Roseboom for Providing Fire wood and Candles for the Persons who have



been or may be Employed in Watching in the Nine Block Houses in the City of Albany during the Time of their Watching, From the first Day of October Last, To the first Day of June following, The Sum of Two Hundred Pounds

UNTO the said Sybrant Van Schaak and Johaness G. Roseboom To Purchase and Set up New Stockadoes round the said City where the old Stockadoes are Decayed the Sum of one Hundred Pounds.

UNTO the said Sybrant Van Schaak and Johaness G. Roseboom for the Payment of Such outscouts as have been or may be Employed and Sent out from said City, From the first Day of November last, To the first Day of May next, the Sum of one Hundred and Fifty Pounds.

AND be it Enacted by the said Authority, That of the due Disposition of the Several and respective Sums of Money aforesaid, The Several and respective Persons Aforesaid Shall keep Exact Books, and render True and distinct Accounts thereof respectively upon oath, To the Governour or Commander in chief for the Time being, To the Council, or to the General Assembly, when by Them or any of them thereunto Required.

UNTO Colonel William Johnson for Supplying the Detachment of Militia, Posted at Oswego with Provisions From the Fifteenth Day of December in the year of our Lord one Thousand Seven Hundred & Forty Six, To the fifteenth day of May next the Sum of one Thousand, Two Hundred and Ninety Two Pounds.

UNTO the said William Johnson for Supplying the Double Garrison of Regular Forces at Oswego with Provisions, From the Twenty Third of December in the Year of Our Lord one Thousand Seven Hundred & Forty Six, To the Twenty Third of May next the Sum of Six Hundred and Forty Six Pounds.

UNTO the said William Johnson, For the Extraordinary Charges he has been put to, in Supplying the said Garrison with Provisions From the Fifteenth of December in the year of our Lord one Thousand Seven Hundred & Forty Six, To the Fifteenth of May next, The Sum of Two Hundred Pounds

UNTO Isaac Willet Esq'r For Receiving, Victualling and Lodging Several Men, Detach'd from Queens and Suffolk Counties in the year one Thousand, Seven Hundred, & Forty Six, The Sum of Forty Three Pounds, Fourteen Shillings.

UNTO Lieutenant Colonel Honeywell for the Hire of Carriages to convey the Baggage of the said Detached Men to the

Landing in order for Transportation to Albany, The Sum of Twelve Shillings

UNTO Coll Henry Beekman for Victualling Several Men Detached in the year one Thousand Seven Hundred and Forty Six and Transporting them to Albany, The Sum of Nine Pounds, Twelve Shillings.

UNTO the said Coll Beekman, For five Blankets deliver'd by him to the Indians, Sent on Outscout from Dutches County in the Year one Thousand Seven Hundred & Forty Six, The Sum of Three Pounds Fifteen Shillings

UNTO John Rosevelt, William Roome & Samuel Lawrence Esq's Commissioners of Fortifications, for what, They are in Advance on Account of the House Erected in Fort George for the Residence of the Governours of this Colony, as per Account delivered the Fifteenth of April one Thousand Seven Hundred & Forty Seven, The Sum of One Hundred & Seventy Five Pounds.

UNTO Abraham Dow for Transporting Several Men Detached in the Year, One Thousand Seven Hundred & Forty Six from Westchester to Albany, The Sum of Seven Pounds Sixteen Shillings.

UNTO Benjamin Egberts for Transporting Several Men Detached in the Year one Thousand Seven Hundred & Forty Six, from Westchester and Dutches Counties to Albany, The Sum of Two Pounds fourteen Shillings

UNTO Coll Johanen Tenbrook for the Hire of a Sloop to Transport Several Men Detached in the year one Thousand Seven Hundred & Forty Six from Ulster County to Albany, and Victualling the Same Men, The Sum of Five pounds Eighteen Shillings

UNTO Coenract Ten Eyck for Transporting Several Men Detached in the Year one Thousand Seven Hundred & Forty Six from West Chester County to Albany, The Sum of Ten Pounds, Seven Shillings.

UNTO Isaac Willet Esq'r For Receiving, Victualling and Lodging Twenty one French Prisoners, From the Twenty Eighth Day of September, One Thousand Seven Hundred & Forty Six, To the Twenty fourth Day of December following, The Sum of Ninety Eight Pounds one Shilling.

UNTO Adam Lawrence Esq'r For Receiving, Victualling & Lodging Twenty Eight French Prisoners, From the Twenty Seventh Day of September, One Thousand, Seven Hundred &



Forty Six, To the Sixth Day of February following, The Sum of One Hundred & Twenty five Pounds, Fifteen Shillings and Three pence.

UNTO John J. Lansing for Providing Thirty one Loads of Fire wood for the use of the Independant Companies posted in the Block Houses Number Three & Four at Albany, from the Fourteenth of December One Thousand Seven Hundred & Forty Six, To the Second of January following, The Sum of Four Pounds and Thirteen Shillings.

UNTO Robert Berret for Providing one Hundred & Twenty Eight Loads of Fire Wood, For the use of the Soldiers posted in the Block House Number Four at Albany From December One Thousand Seven Hundred & Forty five, To May following The Sum of Sixteen Pounds.

UNTO Evert Wendell for Providing One Hundred & Sixty nine Loads of Fire Wood for the use of the Soldiers posted in the Block Houses Number Three & Four at Albany, From the Sixth of October one Thousand, Seven Hundred & Forty Six, To the Tenth of January following, The Sum of Twenty Five Pounds Seven Shillings.

UNTO Luyches Hoghkerk for Providing one Hundred and four Loads of Fire Wood For the use of the Soldiers Posted in the Block House Number Four at Albany From the Twenty Ninth of January one Thousand Seven Hundred & Forty Six, To the Thirteenth of April following, The Sum of Thirteen Pounds

UNTO Edward Hog for Providing one Hundred Loads of Firewood for the use of the Soldiers posted in the Block House Number Three at Albany, From the Tenth of January, in the Year One Thousand Seven Hundred and Forty Six, To the first of May following, The Sum of Twelve Pounds Ten Shillings.

UNTO Evert Sexbury for Providing one Hundred Loads of Fire Wood, For the use of the Soldiers Posted in the Block House Number Four at Albany, From the Eighth of January in the year one Thousand Seven Hundred & Forty Six, To the first of May following, The Sum of Twelve Pounds Ten Shillings.

UNTO Marte Defrest for Providing Ninety Eight Loads of Firewood for the use of the Forces posted in the Barracks in the first Ward in the City of Albany, From the Twelfth of November one Thousand Seven Hundred & Forty Six To the

Fifteenth of May following, The Sum of Fourteen Pounds, Seventeen Shillings & Six pence

UNTO Levinus Winne for Providing Eighty Loads of Firewood for the use of the Forces posted in the Barracks in the first Ward in the City of Albany, From the Twelfth of November One Thousand Seven Hundred & Forty Six, To the Fifteenth of May following The Sum of Twelve Pounds.

UNTO Johanes J. Lansing for Providing Fifty Eight Loads of Fire Wood for the use of the Forces posted in the Barracks in the Second Ward in the City of Albany, From the Seventeenth of November one Thousand Seven Hundred & Forty Six, to the Thirtyeth of April following, The Sum of Eight Pounds Fourteen Shillings

UNTO Franciscus Lansing for Providing Sixty four Loads of Fire Wood for the use of the Forces posted in the Barracks in the Second Ward in the City of Albany, From the Seventeenth of November one Thousand Seven Hundred & Forty Six, To the Thirtyeth of April following, the Sum of Nine Pounds Twelve Shillings.

UNTO Levinus Winne for the use and Benefit of the Heirs of Philip Winne Deceased, for his Providing, one Hundred & two Loads of Fire Wood, For the use of the Forces posted in the Barracks, in the Third Ward in the City of Albany, from the Twenty Eighth Day of November One Thousand, Seven Hundred & Forty Six, To the Thirtyth of April following, The Sum of Fifteen Pounds Six Shillings.

UNTO Marte Winne for Providing, one Hundred & Thirty Three Loads of Fire Wood for the use of the Forces posted in the Barracks in the Third Ward in the City of Albany, From the Eleventh Day of November one Thousand Seven Hundred and Forty Six, To the Thirtyth of April following, The Sum of Nineteen Pounds, Nineteen Shillings.

UNTO Guert Van Schonhaven in full Discharge of an Account brought against this Colony, For Transporting Provisions to Saraghtoga & other Services in the year one Thousand, Seven Hundred & Forty five, The Sum of Sixteen Pounds, Two Shillings & nine Pence.

UNTO Isaac Becker in Discharge of an Account brought against this Colony, for Transporting Provisions Two Days & a half to Saraghtoga in February one Thousand Seven Hundred & Forty five, The Sum of one Pound, Two Shillings & Six pence.

UNTO Abraham Van Arnem in Discharge of an Account



brought against this Colony for Transporting Provisions two Days & a half to Saraghtoga in February, one Thousand Seven Hundred & Forty five The Sum of One Pound Two Shillings & Six pence.

UNTO Franciscus Lansing in Discharge of an Account brought against this Colony for Transporting Provisions Two Days and a half to Saraghtoga in February, one Thousand Seven Hundred & Forty five, The Sum of one pound Two Shillings & Six pence.

UNTO Adrian Quackenbos in Discharge of an Account brought against this Colony for Transporting Provisions to Saraghtoga in February, one Thousand Seven Hundred & Forty Five, The Sum of Three Pounds, Sixteen Shillings & Six pence.

UNTO the Executors of Johanes Oudenkerk deceased in Discharge of an Account brought against this Colony for Transporting, Provisions to Saraghtoga in February, one Thousand, Seven Hundred & Forty five, The Sum of Two pounds five Shillings

UNTO Cornelius Klase Van Denbergh for Transporting Provisions to Saraghtoga in February one Thousand Seven Hundred & Forty Five, The Sum of Two Pounds Five Shillings.

UNTO the Widdow of Geisbert Van Alstin deceased in Discharge of an Account brought against this Colony, for Transporting Provisions to Saraghtoga in February, one Thousand, Seven Hundred & Forty five, The Sum of Two pounds five Shillings

UNTO the Widdow of Martinus C. Van Alstin deceased in Discharge of an Account brought against this Colony for Transporting Provisions to Saraghtoga in February one Thousand Seven Hundred & Forty five, The Sum of one Pound Two Shillings & Six pence.

UNTO Jonas Oethout for Transporting Provisions to Saraghtoga in February, one Thousand Seven Hundred & Forty five, The Sum of Two pounds five Shillings.

UNTO Abraham Van Denberg for Transporting Provisions to Saraghtoga in February one Thousand, Seven Hundred & Forty five, The Sum of one pound two Shillings & Six pence.

UNTO Isaac Fonde for Transporting Provisions to Saraghtoga in February, One Thousand, Seven Hundred & Forty five, The Sum of One Pound, Two Shillings & Six pence.

UNTO Cornelius Van Denbergh for Transporting Troops & Provisions to Saraghtoga, in February, one Thousand, Seven

Hundred & Forty five, The Sum of Two Pounds Eighteen Shillings & Six pence

UNTO Evert Wendel for Transporting Troops & Stores to Saraghtoga in June one Thousand, Seven Hundred & Forty Six, The Sum of one Pound Sixteen Shillings.

UNTO Myndert Marsellis for Transporting Troops and Stores to Saraghtoga in June one Thousand Seven Hundred & Forty Six The Sum of one Pound Sixteen Shillings.

UNTO Hugo Viele for Transporting Troops & Stores to Saraghtoga in June one Thousand, Seven Hundred & Forty Six, The Sum of one pound Sixteen Shillings.

UNTO Herman Knickebacker for Transporting Troops and Stores to Saraghtoga in June one Thousand, Seven Hundred & Forty Six, The Sum of one Pound Sixteen Shillings.

UNTO Cornelius Cuyler for Sundry Materials & Provisions Furnished by him for the use of the Persons employed in Rebuilding the Fort at Saraghtoga, & for the use of the Forces Posted therein after its being Rebuilt in the year, one Thousand Seven Hundred & Forty Five, The Sum of Thirty five Pounds Nineteen Shillings & one Penny.

UNTO Hendrick Ten Eyck for Kettles & Provisions furnished by him for the use of the Garrison at Saraghtoga in the Year one Thousand Seven Hundred & Forty five, The Sum of Thirty Six pounds Twelve Shillings and Eleven Pence half Penny.

UNTO James Stephenson in Discharge of an Account brought against this Colony for Purchasing Provisions for the use of the Garrison at Saraghtoga, And for Transporting them to the said Garrison in February one Thousand Seven Hundred & Forty five, The Sum of Fifty Six pounds Thirteen Shillings and Eight Pence.

UNTO the Executors of Henry Beekman Deceased in Discharge of an Account brought against this Colony, for Purchasing Provisions for the use of the Garrison at Saraghtoga, and for Transporting them to the said Garrison in February, one Thousand Seven Hundred & Forty five the Sum of Sixty Two Pounds fourteen Shillings.

UNTO Nicholas Bleeker for Rum and Barrels for the use of the Workmen, in Rebuilding the Fort at Saraghtoga in the year one Thousand Seven Hundred & Forty Five, The Sum of Twenty one Pounds Nine Shillings & Six Pence.

UNTO Killyan Renselaer for Rum & Barrels for the use of the Workmen, in Rebuilding the Fort at Saraghtoga in Febru-



ary, one Thousand Seven Hundred and Forty five, The Sum of Twenty one Pounds Nineteen Shillings & Six Pence.

UNTO David Van Derheyden for one Hundred and Eighty Seven Pounds of Nailes for the Rebuilding the Fort at Saraghtoga in the Year, One Thousand Seven Hundred and Forty five, The Sum of Eight Pounds, Three Shillings & Seven Pence half Penny

UNTO the Executors or Administrators of William Kettle deceased for Boards & Planks for Rebuilding the said Fort, The Sum of Twelve Pounds Two Shillings.

UNTO the Executors, or Administrators of Henry Beekman deceased, for Iron Work & Utensils for Rebuilding the Said Fort, The Sum of Seven Pounds Ten Shillings.

UNTO John De Peyster for Supplying Sundrys as pr Account for the use of the Persons employed in Rebuilding the said Fort, The Sum of Twenty Pounds, Thirteen Shillings & Ten pence, half Penny.

UNTO William Alderman for Fifteen Days & a half Work in Rebuilding the said Fort at Saraghtoga, in the year, one Thousand Seven Hundred & Forty five, The Sum of Two pounds Six Shillings and Six Pence.

UNTO Markus Koenradt for Twenty one Days & a half Labour in Rebuilding the said Fort, the Sum of Three Pounds, Four Shillings & Six Pence.

UNTO Wessels Van Schayick Black Smith for Iron Work used in the Rebuilding the said Fort, The Sum of one Pound & Three Pence,

UNTO Johaness Huise Carpenter for work done in the Rebuilding the Said Fort, The Sum of Twenty Six Pounds, one Shilling.

UNTO Juryan Hogan Black Smith for Iron Work used in Rebuilding the Said Fort, The Sum of Five Pounds, Two Shillings & nine Pence.

UNTO Luykus Witbeeck Carpenter for work done in Rebuilding said Fort, The Sum of Ten Pounds Nine Shillings.

UNTO the Executors or Administrators of Harman Bogardus Carpenter Deceased for work done in Rebuilding the said Fort, The Sum of Eleven Pounds Eight Shillings

UNTO Nathaniel Tygard for work done in Rebuilding the said Fort the Sum of Eighteen Shillings

UNTO Huyghbert Van Oostrande for work done in Rebuilding the said Fort the Sum of Six pounds Six Shillings

UNTO John Redlief Carpenter for work done in Rebuilding the said Fort the Sum of Seven Pounds fourteen Shillings

UNTO Peter Cornn for work done in Rebuilding the said Fort the Sum of Seven Pounds Nineteen Shillings & Six Pence.

UNTO Isaac Bogert Carpenter for work done in Rebuilding the said Fort the Sum of Nineteen Pounds one Shilling

UNTO Jacob Beneway for work done in Rebuilding the said Fort the Sum of Four Pounds Nineteen Shillings

UNTO Anthony Slingerland for work done in Rebuilding the said Fort the Sum of Eighteen Shillings.

UNTO Catherina Schans Widdow of Christian Schans deceased for the use and Benefit of the Children of the said Christian Schans for work done by him in Rebuilding the said Fort the Sum of Six Pounds, Three Shillings & nine Pence.

UNTO Jacob Truax for work done in Rebuilding the said Fort the Sum of Six pounds, Six Shillings

UNTO Andries Truax for work done in Rebuilding the said Fort the Sum of Six Pounds Fifteen Shillings

UNTO Abraham Fonda Carpenter for work done in Rebuilding the said Fort the Sum of Eleven Pounds two Shillings & nine Pence.

UNTO Philip Truax Carpenter for work done in Rebuilding the said Fort, the Sum of Ten Pounds Three Shillings & Six Pence

UNTO Abraham Fort for work done in Rebuilding the said Fort & Supplying Provisions for the Garrison there, The Sum of Seven Pounds

UNTO John Williams for work done in Rebuilding the said Fort, The Sum of Eighteen Shillings

UNTO Arent Van Antwerpen Carpenter for work done in Rebuilding the said Fort, The Sum of Ten Pounds, Three Shillings & Six Pence.

UNTO the Executors or Administrators of Johanes Ham deceased For Work done in Rebuilding the said Fort, The Sum of Six Pounds, Six Shillings

UNTO Derick Tenbrook for Supplying Sundrys as per Account, toward the Rebuilding the said Fort, the Sum of Thirty Two Pounds Eight Shillings and Ten Pence.

UNTO Cap't Henry Livingston for Supplying Provisions for his Company of New Levys in their Passage to Albany in August one Thousand Seven Hundred and Forty Six, The Sum of Four Pounds Sixteen Shillings and Three Pence.



UNTO Cap't Edward Hart for Supplying Provisions for his Company of New Levys in their Passage from New York to Albany in September, one Thousand, Seven Hundred & Forty Six, the Sum of Nineteen Pounds Eight Shillings and Three Pence.

UNTO William Richardson for New Bushing & Drilling four Pieces of ordnance in Fort George in September one Thousand Seven Hundred and Forty Six, The Sum of Three Pounds.

UNTO Cap't Peter Winne for the Remainder of what he paid for the Hire of Two Sloops for Transporting the Kings Troops from New York to Albany in December one Thousand Seven Hundred & Forty five, And for Providing Sundry Articles for the use of the said Troops in their Passage, The Sum of Ten Pounds.

UNTO the Said Peter Winne for Supplying Provisions for Forty Six Men of his Company of New Levies in their Passage from Ulster and Dutches Counties to Albany in the year one Thousand, Seven Hundred & Forty Six, The Sum of Five Pounds Two Shillings.

UNTO Captain Richard Langdon in Discharge of an Account for Supplying Provisions for his Company of New Levies in their Passage from New York to Albany in July one Thousand Seven Hundred and Forty Six The Sum of Seven Pounds Ten Shillings and Two Pence.

UNTO John Abeel for his Service as Gun Smith among the Seneca Indians in the Year one Thousand, Seven Hundred & Forty Six, and Providing Proper Materials for that Service, The Sum of Fifty four Pounds Fifteen Shillings.

UNTO the said John Abeel for Providing Smiths Tools for the aforesaid Service The Sum of One Pound, Eight Shillings.

UNTO Jacob Ten Eyck for Sundry Goods delivered by him unto the said John Abeel when going upon the aforesaid Service to be distributed in Presents among the Seneca Indians as usual the Sum of Twenty Nine Pounds Seventeen Shillings and Six Pence.

UNTO Jacob Glen, Jacob Van Slyck, Andries Bradt & Peter Gronendyck for and towards building two New Block Houses in Schenectady for the greater Security of the said Town, The Sum of Seventy Pounds.

UNTO the said Jacob Glen, Jacob Van Slyck, Andries Bradt, & Peter Gronendyck for Monies Advanced by Them and others in the Rebuilding a Block House in Schenectady, burnt

down by accident in the year one Thousand, Seven Hundred & Forty Six The Sum of Seventy Pounds & Nine Pence.

UNTO William Roome Esq'r in Discharge of an Account of Sundry Articles respecting the House in Fort George, The Sum of Ninety Six Pounds, Ten Shillings and Two Pence.

UNTO the said William Roome, For his Trouble and Expence in Removeing and taking care of the Cannon brought from Cape Breton, The Sum of Three Pounds four Shillings.

AND BE IT ENACTED by the Authority aforesaid That Collonel Phillip Schuyler and Major Edward Collins, Shall & They are hereby Empowered and Required out of the Surplusage of Monies in their hands, by virtue of an Act, Entituled an Act For Raising a Supply of the Sum of Thirteen Thousand Pounds on Estates Real and Personal, For the more Effectual Fortifying this Colony, For the Emitting Bills of Credit for the Like Sum for the immediate answering the Necessary Services, And for Sinking and Cancelling the said Bills, at the Several Short Periods therein Mentioned, To pay the Detachment of Militia, Posted at Oswego the Wages Due to Them from the Fifteenth Day of September one Thousand Seven Hundred and Forty Six, To the Fifteenth Day of September Last, At the following Rates (viz't) To one first Lieutenant, Five Shillings per Diem, To one Second Lieutenant, Four Shillings per Diem, To two Serjeants, Two Shillings per Diem each, And to Forty Six private Men one Shilling and Six Pence per Diem each Deduction being to be made for any Defeciciency in that Number by Death or Otherwise.

AND BE IT ENACTED by the Authority aforesaid That it Shall and may be Lawfull for Cornelius Van Horn and Paul Richard Esq'rs To retain out of the Sum of Seven Hundred & Ninety Pounds Fifteen Shillings and Seven Pence, Three Farthings ballance in their Hands due to the Colony, The Several Sums following (viz't) The Sum of Two Hundred & Eighty five Pounds, Ten Shillings and five Pence, for Provisions furnished by Them for the Rangers Employed in Scouring the woods on the Northern Frontiers, the last Summer, The Sum of one Hundred and Sixteen Pounds, Fourteen Shillings and four Pence, half Penny for Fresh Provisions Supplied by them in August Last, for the Connecticut and Rhode Island Colony Sloops of Warr, Lying at Sandy hook, after having Cruised on the Coasts of this Colony, in Quest of the Enemies Privatiers, The Sum of Two Hundred and Thirty Pounds, Thirteen Shil-



lings for Provisions furnished by Them, and Sent in September Last, to the Commissioners at Albany for the use of the New Levies. The Sum of one Hundred Pounds Sent by Them in Cash to the aforesaid Commissioners for Extraordinary Incidents for the use of the said New Levies. And the Sum of Fifty Seven Pounds Seventeen Shillings & Ten Pence part of the Sum of Sixty Nine Pounds, Seventeen Shillings & Eight Pence delivered by them to his Excellency for the use of Several Sachims of the Six Nations and other Indians, who came to New York in October Last. And the said Cornelius Van Horn and Paul Richard their Heirs Executors and Administrators, Shall be and hereby are fully discharged of and from any Demand whatsoever for and on Account of the aforesaid, Seven Hundred and Ninety Pounds fifteen Shillings and Seven Pence Three Farthings ballance of their Accounts as aforesaid.

AND be it Enacted by the Authority aforesaid, That the Treasurer Shall out of the Fund first aforesaid, Pay unto the said Cornelius Van Horn and Paul Richard, The Sum of Eleven Pounds Nineteen Shillings and Nine Pence Three Farthings, Remainder of the aforesaid Sixty Nine Pounds, Seventeen Shillings and Eight Pence, delivered by them to his Excellency for the use of the Sachims as aforesaid & their Receipt to the Treasurer, Shall be a good Voucher and Discharge to him for the said Sum.

AND UNTO the said Cornelius Van Horn and Paul Richard for Purchasing, Five Barrels of Gun Powder to be sent to Albany to Mess<sup>rs</sup> Phillip Schuyler, Cornelius Cuyler, and Edward Collins, in Lieu of Five Barrels of Powder delivered by Them to the commanding officers of his Majesties Forts in the County of Albany on the late Intelligence of an Invasion designed from Canada, The Sum of Sixty Pounds.

AND of the Due Disposition and Application of the said Sum of Sixty Pounds, The said Cornelius Van Horn, and Paul Richard Shall render true and distinct Accounts upon Oath to the Governour or Commander in Chief, for the Time being, the Council or General Assembly, when by them or any of them thereunto required.

AND be it Enacted by the Authority aforesaid That the Receipts of the Several Persons aforesaid for the Several & respective Sums of Money above Mentioned Shall be good Vouchers & Discharges to the said Treasurer for the Same.

AND whereas in & by one Act entituled an Act for raising a Supply of the Sum of Thirteen Thousand Pounds by a Tax on Estates real and Personal for the more effectual Fortifying this Colony, For the emitting Bills of Credit for the like Sum for the immediate answering the necessary Services, And for the Sinking & cancelling the said Bills at the Several Short Periods therein Mentioned Passed in the Nineteenth Year of his Majesties Reign The Sum of one Hundred and Fifty Pounds was given (and made Payable to the Commissioners of Indian Affairs) For and towards Rebuilding the Fort at Saraghtoga then lately burnt down by the Enemy, But the said Sum having not yet been Drawn out of the Treasury. Be it Enacted by the Authority aforesaid, That it Shall & may be Lawfull for the Treasurer, and he is hereby Directed to Employ and make use of the said Sum, of one Hundred & Fifty Pounds towards the Payment of the Several Articles of Expence incurred in the rebuilding the said Fort at Saraghtoga and contained in this Act, any Thing in this or the said Act to the contrary notwithstanding.

AND be it Enacted by the Authority aforesaid That the Treasurer, Shall keep exact Books of the Several Payments which by this Act he is directed to make, And shall render true and distinct Accounts thereof upon oath, to the Governour or Commander in Chief for the Time being, To the Council, or to the General Assembly, when by them or any of them thereunto required

#### [CHAPTER 865]

[Chapter 865 of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act for fixing the places of Election  
of Representatives in Orange and Suffolk  
Counties.

[Passed, April 9, 1748.]

WHEREAS the places of Electing Representatives for Orange County to Serve in General Assembly, Have hitherto been appointed by the Sheriffs thereof and by reason of a large Range of Mountains running through the Middle of the Same County, the said places have at Times been found very Inconvenient, Troublesome & Expensive to most of the Freeholders and many of them not being able to bear the fatigue of Crossing the said Mountains have been obliged to Stay at home, and thereby



were deprived Voting for their Representatives, to Remedy which for the Future.

BE IT ENACTED by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That for the time to come, all Elections of Representatives for the said County of Orange, to Serve in the present, or any Future General Assembly, Shall begin and be first opened at the Court House, or Some other Convenient Place in Orange Town, or at the Court House or Some other convenient Place in the Town of Goshen, and when the Sheriff or other proper officer Shall after due and Legal notice to the Freeholders, have begun and opened the Election at Either of the said Places, he Shall proceed and carry on the Same there, and duly and Regularly take the Votes or Polls of all such Freeholders as by Law are qualified and Shall offer Themselves to vote or Poll for Representatives at Such Elections, until all of them shall have Voted or Polled and then the said Sheriff or other officer Shall immediately thereupon publicly adjourn the Poll and further Election of the Candidates for any Number of Days not Exceeding Six, nor less than four Days to the other Court House or place of Election by this Act appointed for Electing of Representatives, and there, Proceed, Continue Carry on, Close & Finish the said Election in a due and orderly manner, So that all the Freeholders of the said County haveing Votes may if they please be Polled at Such Elections.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Elections hereafter made in the said County for Representatives contrary to the directions of this Act, Shall & are hereby declared to be Nul and void, And all other Proceedings necessary in the Election of Representatives for the said County not herein before directed & Provided for, Shall be carried on and pursued in such manner as by Law they ought to be, And if any Sheriff or his Deputy Shall in the Election of Representatives for the said county, Act, proceed, or doe any Act or thing contrary to the directions & true Intent and meaning of this Act, the Person or Persons so offending, Shall Forfeit to the Party or Parties grieved the Sum of Fifty Pounds, Current money of this Colony to be recovered by him or them so Grieved, by Action of Debt, Bill plaint, or information in any Court of Record within this Colony with full Cost of Suit, wherein no Essoin Protection Wager of Law, or any more than one Impar lance Shall be allowed.

AND Whereas the County of Suffolk is very extensive and no Place therein has hitherto been Fixed, Ascertained, & Appointed by Law for the Meeting and Assembling of the Freeholders of the said County for the Electing of their Representatives to Serve in General Assembly, so that the Sheriffs of the said County have from Time to Time arbitrarily and at their own Will and Pleasure appointed the Places for the said Elections to be made, and Some times at the extreem Parts of the said County, To the great Grievance of the Freeholders of the said County, for Remedy whereof for the future Be it Enacted by the Authority aforesaid, That in all Elections hereafter to be made of Representatives for the said County of Suffolk to Serve in this or any future General Assembly, the Sheriff of the said County for the Time being or his Deputy Shall hold his Court of Election at the County Hall of the Said County of Suffolk, and at no other Place whatsoever, any Law, Usage or Custom to the Contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid that if any Sheriff of the said County of Suffolk, or any Deputy of the said Sheriff, Shall after the Publication of this Act in the Execution of any Writt or Writts, for the Electing Representatives for the said County, to Serve in this or any future General Assembly, Act contrary to the Directions & true intent & meaning of this Act, they shall respectively Forfeit the Sum of Fifty Pounds to be recovered in any Court of Record within this Colony in manner aforesaid by any Person agrieved, and the said Election so made contrary to the Directions and true Intent & meaning of this Act, Shall be Null and void to all Intents, Constructions, and Purposes whatsoever.

[CHAPTER 865.]

[Chapter 866 of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act to fix and Ascertain the Places from whence the Milage fees of the respective Sheriffs of the Counties of Westchester and Orange Shall be Computed.

[Passed, April 9, 1748.]

WHEREAS it has been usual for the Several Sheriffs of the Counties of Westchester & Orange, to compute their Milage on the Service of Writts from their Respective places of abode,



although many of them Lived very remote from the Center of the County, which has greatly encreased the Charge for Milage in the Service of Writts on such persons as live at a distance from the habitation of the said Sheriffs: to remedy which for the future.

BE IT ENACTED by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, that from & after the publication of this Act, the High Sheriff of the county of Westchester for the Time being Shall compute his Milage for the Service of all Writts & Process hereafter by him Served and Subject to the Payment of Milage, from the Place where the Meeting House now Stands in the white Plains which is deemed to be near the Center of the said County, and from no other place whatsoever, any Law, ordinance, Usage, or Custom to the contrary notwithstanding

AND Whereas the County of Orange is very extensive in Length, and by reason of a Ridge of Mountains, Lying across the Same, and for the better accommodation of the Inhabitants, it was found Necessary to have two Court Houses, the one at Goshen on the North, and the other at Orange Town on the South side thereof, Yet by the Sherrifs having his Residence Sometimes at the one, And Sometimes at the other extream End of the said County, the Computation of his Fees for Milage in the Service of Writts hath hitherto been made from the place of the Sheriffs abode, which hath been found to be very inconvenient & Burthensom to the Parties concerned, For Remedy whereof for the future

BE IT FURTHER ENACTED by the Authority aforesaid That from and after the Publication of this Act, the Sheriffs Fees for Milage in the County of orange for the Service of all Writts & Process Served on any Inhabitant on the North side of the said Mountains called the High Lands, Shall be computed from the Court House in the Township of Goshen aforesaid, And the Milage for the Service of all Writts & Process Served on the Inhabitants on the South Side of the said High Lands, Shall be computed from the Court House in orange Town, any Law, ordinance, Usage, or Custom to the contrary notwithstanding

[CHAPTER 867.]

[No law is printed under this chapter number which is merely inserted to preserve the continuity of chapter numbering in conformity with Livingston & Smith and Van Schaack, from whose editions the chapter number is omitted.]

## [CHAPTER 868.]

[Chapter 868 of Livingston & Smith and Van Schaack, where the title only is printed. Expired in part, September 1, 1748.]

An Act for the payment of the Salaries Services & Contingencies therein mentioned until the first day of September one Thousand Seven Hundred and Forty Eight, & for making further Provision for the Pay & Subsistance of the Forces posted on the Northern Frontiers of this Colony.

[Passed, April 9, 1743.]

BE IT ENACTED by his Excellency the Governour the Council and the General Assembly And it is hereby ENACTED by the Authority of the Same, That the Treasurer of this Colony, Shall pay; and is hereby directed, (out of the Interest money arisen or to arise by virtue of An Act entituled An Act for the emitting bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony & other purposes therein mentioned passed in the eleventh Year of His Majesties Reign, and out of the Monies arisen or to arise by the Dutys & Impositions granted by an Act entituled an Act for and towards Supporting the Government of this Colony by granting to his Majesty the Dutys therein mentioned from the first day of December one Thousand Seven hundred & forty, to the first day of December one thousand Seven Hundred & forty one, And out of the Monies arisen or to arise by virtue of the Several Subsequent Acts for the Continuance of the Act last mentioned, until the first day of December one Thousand Seven Hundred & forty Eight, And out of the monies arisen or to arise, by virtue of an Act, entituled an Act to restrain Hawkers & Pedlars within this Colony from Selling without Licence) To Pay at the Times & in the manner herein after Directed the Several Salaries and Allowances following, (viz't)

TO his Excellency the Governour, for administring the Government of this Colony from the first day of September last, to the first day of September next after the rate of Fifteen Hundred & Sixty Pounds per Annum

TO his said Execellency the Governour for House Rent from the first Day of May last to first day of May next, the Sum of one Hundred Pounds



the Exercise & Management of the said Cannon during the said Time the further Sum of Thirty Pounds.

TO Samuel Brown for his Service in taking Care of the Cannon and the Several Batteries in the City of New York from the first day of September one Thousand Seven Hundred & Forty Seven, to the first day of September one Thousand Seven Hundred & Forty Eight after the rate of Twenty Pounds per Annum.

TO Martice Vandike for his Service in taking Care of the Battery & Cannon at Red Hook from the first day of September one Thousand Seven Hundred & Forty Seven, to the first day of September One Thousand Seven Hundred & Forty Eight the Sum of Five Pounds.

TO Abraham De Peyster Esq'r Treasurer of this Colony or to the Treasurer thereof for the time being for his Service in that Station from the first day of September one Thousand Seven Hundred & Forty Seven, to the first day of September one Thousand Seven Hundred & Forty Eight after the Rate of Two Hundred Pounds per Annum

TO the said Treasurer for his Extraordinary Services which he is now Obligated to perform beyond the usual Duty of his office, the further Sum of One Hundred Pounds.

TO George Duncan Clerk of the General Assembly for his Services in that Station from the first day of September One Thousand Seven Hundred and Forty Seven, to the first day of September one Thousand Seven Hundred and Forty Eight, Twelve Shillings per Diem upon a Certificate from the General Assembly Signed by the Speaker for the Number of Days he has Served or may Serve the General Assembly.

TO the said George Duncan for his Extraordinary Services to the General Assembly the Sum of Twelve Pounds.

TO Alixander Lamb Door keeper to the General Assembly for his Service in that Station from the first day of September one Thousand Seven Hundred & Forty Seven, to the first day of September one Thousand Seven Hundred & Forty Eight, Five Shillings per Diem upon a Certificate from the General Assembly, Signed by the Speaker for the Number of days which he has Served or may Serve the General Assembly.

TO the said Alixander Lamb for Sundry Disbursements for the use of the General Assembly the Sum of Twenty Five Pounds.

TO John Conckling for the Passage of Six Persons from Boston to New York in September Last, that had been taken

Prisoners by the Enemy in the County of Albany & were brought by a Flag of Truce from Canada to Boston the Sum of Seven Pounds

AND BE IT FURTHER ENACTED that for Answering the Expence of Contingencys and Extraordinary Emergencies that may happen for the Service of this Colony from & after the Publication of this Act, to the first day of September one Thousand Seven Hundred & Forty Eight, Warrants may issue for the Same on the Treasurer from time to time if Drawn by the Governour with the Advice & consent of the Council which the Treasurer is hereby ordered & Directed to Pay out of the Monies arising by Virtue of the Several Acts hereinbefore mentioned PROVIDED the amount of the said Warrants do not exceed, the Sum of one Hundred Pounds during that time, And if no part or only Some part thereof, Shall be required for Such Special Services, Either the whole or the Residue Shall remain in the Treasury.

AND to the End that his most Sacred Majesty may be duly informed of the exact Condition and State of this Colony, be it further Enacted by the Authority aforesaid, That Robert Charles Esq'r Shall be and hereby is appointed an Agent for this Colony to Attend his Majesty and his Ministers of State for that Purpose

AND to Enable the said Robert Charles to discharge the said Trust for the Benefit of this Colony, be it Enacted by the Authority aforesaid, That the Treasurer Shall pay unto the said Robert Charles or his order the Sum of Two Hundred Pounds as a Reward for his Care Trouble, and Dilligence in the aforesaid Service, Which said Sum of Two Hundred Pounds Shall be paid by an order of the General Assembly of this Colony Signed by the Speaker of the Same for the Time being and not otherwise.

AND be it further Enacted, that out of the Residue of the money remaining in the Treasury by virtue of an Act entitled an Act for raising a Supply of Twenty Eight Thousand Pounds by a Tax on Estates Real and Personal for defraying the Expence of Several Services necessary for the Defence of the Frontiers and Annoyance of the Enemy, For emitting bills of Credit for the like Sum, and for Sinking and Cancelling the said Bills in Short Periods, the Treasurer Shall Pay the Several Sums following, That is to Say.

TO his Excellency the Governour for money advanced by him to Isaac Van Dam for Lodging and Victualling, Seven French



Prisoners of War at different times between the Eighth day of September one Thousand Seven Hundred and Forty Six, and the Eighth of August one Thousand Seven Hundred & forty Eight, The Sum of Fifty Seven Pounds fourteen Shillings & four Pence.

TO his said Excellency for money advanced and paid by him for Several Scalps and Prisoners of the Enemy, taken by Parties Sent out from this Colony the last Summer for Annoyance of the Enemy, the Sum of Three Hundred & Sixty five Pounds.

TO John Ayscough Esq'r high Sheriff of the City and County of New York for Monies which he Stands engaged to Pay unto Several Persons, For Lodging, Victualling, Attending and Administring Medicines unto Thirty Eight French and Spanish Prisoners of War at Different times between the Twenty Seventh of September one Thousand Seven Hundred & forty Six, and the Eighteenth of November one Thousand Seven Hundred & Forty Seven, the Sum of one Hundred & Nineteen Pounds, Nineteen Shillings & Six Pence.

TO Phillip Schuyler, Cornelius Cuyler, and Edward Collins the Sum of Eight Thousand, Four Hundred & Ninety Pounds to be by Them applied in the Payment of Eight Hundred effective Men Voluntiers officers included, now Employed for the Defence and Protection of the Northern Frontiers of this Colony and for the Annoyance of the Enemy; after the following Rates (viz't) To Fourteen Captains Ten Shillings per Diem each, To Fourteen Lieutenants Six Shillings per Diem each, To Fourty two Serjants, Two Shillings per Diem each, and to Seven Hundred & Thirty private Men one Shilling & Six pence per Diem each, Deduction being to be made for any Deficiency in that Number, by Death or otherwise, And to one Doctor to Attend the said Forces finding his own Medicines & two able Assistants Twelve Shillings per Diem, Which Forces they are hereby directed duly to Pay Monthly, according to the Number that shall be in Actual Service and not otherwise, which Shall be Ascertained by the Muster Rolls of the Several Companies Monthly, delivered to the said Pay Masters upon the Oath of the Several Captains of each Company, or the oath of the Commanding officer at the Time of Such Muster, and by any other Method the said Paymasters Shall Judge proper.

TO Messrs Cornelius Van Horn and Paul Richard the Sum of Three Thousand and Eleven Pounds to be by them employed in Purchasing the following Provisions for the Subsistence of

the said Forces, (viz't) One Hundred and Eighty Barrels of Pork, Two Hundred and Forty Barrels of Beef, Ninety Six Thousand Weight of Bread, Fifteen Hundred Bushels of Pease, and Three Thousand Gallons of Rum, all which Provisions, They the said Cornelius Van Horn & Paul Richard are hereby directed to Send up to Albany, there to be delivered unto Mess'rs Derick Ten Brook and John Cuyler to be by them issued to the aforesaid Forces after the manner and according to the Rates and proportions directed in and by an act Entituled an Act for Purchasing a Supply of Provisions for Victualling Eight Compleat Companies of the Forces raised on the Expedition intended against Canada, or Eight Compleat Companies of Volunteers to consist of one Hundred Men each to be employed on the Northern Frontiers of this Colony, passed in this present year of his Majesties Reign, and not otherwise.

AND be it further Enacted by the Authority aforesaid That all and every Person or Persons whatsoever, who Shall Presume to take, Seize, or carry away, any of the aforesaid Provisions otherwise than according to the express Directions of this Act, Shall respectively incur and be Subject to all the Penalties directed in the like Cases in the said last mentioned Act, and the said Commissioners are hereby directed and empowered to Sue for the Same according to the Directions of the said Act, and are hereby made liable & Subject to the like Penalty's as are contained in the said Act in Case of Failure in them, or one of them to prosecute as aforesaid.

TO John De Peyster, Sybrant G. Van Schack, and Johannes G. Roseboom the Sum of Fifty Six Pounds, to be by them applyed in the Payment of Thirty fit Men of the said Forces, to Range & Scour the Woods on the Northern Frontiers of this Colony from the City of Albany, for the Protection of the Inhabitants of the Out-Settlements against the Sculking Parties of the Enemy, at the rate of Six pence per Diem Each extraordinary, for every day They Shall be Actually employed in that Service, between the first day of May next and the first Day of October following.

TO the Said John De Peyster, Sybrant G. Van Schack, & Johannes G. Roseboom the Sum of one Hundred and Twelve Pounds to be by them applyed in the Payment of Ten fit Men of the Inhabitants of the County of Albany, to be Joined to the aforesaid Thirty Men, after the Rate of Three Shillings per Diem each, They finding their own Provisions, for every



Day they shall be actually Employed in that Service, between the first Day of May next, & the first day of October following.

TO Jacobus Van Slyck, & Peter Gronendeck the Sum of one Hundred & Sixty Eight Pounds to be by them applyed in the Payment of Thirty fit Men of the aforesaid Forces, & Ten fit Men of the Inhabitants of the County of Albany, To range & Scour the Woods, from the Town of Schenectady during the Said Time after the Same Rates of Pay respectively last mentioned.

TO Collonel William Johnston & Hendrick Fry the Sum of one Hundred & Fifty Pounds, to be by them applyed in the Payment of Twenty fit Men of the aforesaid Forces, and ten fit Men of the Inhabitants of the County of Albany, to Range & Scour the Woods from the Town of Stone Raby on the Mohawks River during the said time after the Same rates of Pay respectively

TO Cornelius Van Schaik & Robert Livingston Jun'r the Sum of one Hundred & Eighty Seven Pounds, to be by them applyed in the Payment of Forty fit Men of the aforesaid Forces, & Ten fit Men of the Inhabitants of the County of Albany, to Range & Scour the Woods from the Town of Kinderhook on the East Side of Hudsons River during the said time after the Same rates of Pay respectively

TO the aforesaid John De Peyster Sybrant G Van Schaik & Joltanes G. Roseboom to be by them applyed in the Payment of a proper Number of outscouts from the City of Albany, to discover & give Intelligence of the Motions of the Enemy, from the first Day of May next to the first Day of october following, the Sum of Fifty Pounds.

TO the aforesaid Jacobus Van Slyck & Peter Gronendyck to be by them applyed in Employing a Proper Number of outscouts from the Town of Schenectady for the like purpose last mentioned during the Same Time, the Sum of Fifty Pounds.

TO the aforesaid Cornelius Van Schaik & Robert Livingston Jun'r to be by them applyed in Employing a Proper Number of Outscouts from the Town of Kinderhook for the like Purpose during the said time the Sum of Fifty Pounds.

AND of the due Disposition and application of the said Several Sums of Money, so to be received by the said John De Peyster, Sybrant G. Vanschaik, Johanes G. Roseboom, Jacobus Van Slyck, Peter Gronendyck, Collonel William Johnson, Hendrick Fry, Cornelius Van Schaik & Robert Livingston Jun'r

They Shall respectively keep Exact Books and render true and Distinct Accounts thereof upon oath, to the Governour or Commander in Chief for the Time being, the Council or the General Assembly, when by them or any of them thereunto required

AND for the due & orderly Payment of the Several Articles allowed by this Act BE it Enacted by the Authority aforesaid, That the Following Allowances, Shall be upon Warrants issued in Council Signed by the Governour or Commander in Chief for the time being, by & with the Advice and consent of the Council at the respective times hereinafter mentioned, That is to Say, The Articles to his Excellency for his Salary, To the Justices of the Supreme Court For Firewood & Candles for the Garrison at New York, and for Firewood & Candles for the Garrisons of Albany, Schenectady and Fort William, To the Secretary, To the Clerk of the Council, To the Doorkeeper of the Council, To the Printer for his Salary To the Land and Tide Waiter, To the Gauger, To the Head Gunner, To Samuel Brown and Martin Vandike, Quarterly, From the first of September, one Thousand, Seven Hundred & Forty Seven, To the first of September One Thousand Seven Hundred and Forty Eight.

AND BE IT ENACTED by the Authority aforesaid, That every Such Warrant and Warrants as aforesaid issued for the respective Sum and Sums of money allowed in this Act, Shall be paid by the Treasurer out of the Monies hereby applyed for that Purpose, to the Person or Persons to whom the Same Shall be made Payable, or to his or their Assigns, and his or their Receipt thereon, Shall be a good Voucher and Discharge in Law to the said Treasurer for so much as Shall thereby be acknowledged to have been received, Provided the Same do not exceed the respective Sum or Sums allowed by this Act.

PROVIDED Nevertheless and be it further Enacted by the Authority aforesaid That if his Said Excellency Shall happen to Die or be Superceeded in the Administration of this Government, or that any of the before mentioned officers Shall happen to Die or be removed from their Respective offices before the first day of September which will be in the Year of Our Lord One Thousand Seven Hundred and Forty Eight Warrants may be issued in manner as aforesaid for so much only out of their respective Sum or Sums allowed in this Act, as at the Time of Such Death Supercedure or Removal Shall bona fide be then



Due to him or them And if Such Warrant or Warrants Shall not exceed Such Arrear the Treasurer Shall Pay the Same to Such officer or officers respectively or to his or their Executors Administrators or Assigns and the Remainder of Such Allowance or Allowances Shall be kept in the Treasury until Disposed off by Act or Acts hereafter to be Passed for that Purpose.

AND BE IT FURTHER ENACTED That if by mistake or otherwise any Warrant or Warrants Should at any time issue in manner as aforesaid for any matter or thing not Provided for by this Act, or Exceeding the Respective Sum or Sums allowed in it and that the Same Should be tendered to the Treasurer for Payment, he is hereby Strictly charged and required not to Pay the Same, and if any Suit or Suits Shall be brought against him for Such Refusal he may Plead the General Issue & give this Act in Evidence, And if a Verdict pass for the Defendant or the Plaintiff be non Suit or forbear prosecution the Defendant Shall have Treble Costs to be recovered as in other Cases where Costs are given by Law to Defendants.

AND be it further Enacted by the Authority aforesaid That the Allowances to the Clerk and Door keeper of the General Assembly, Shall be Paid by the Treasurer upon their Producing their Certificates herein before mentioned, and their respective Receipts thereon Shall be to the Treasurer a good Voucher and Discharge for so much as Shall therein be acknowledged to be received, PROVIDED the same do not exceed the Rates herein Severally allowed, And that all the other Several Articles contained in this Act, and to be paid by the Treasurer Shall be Paid by him to the Several Persons to whom the Same are Directed to be paid respectively, and their respective Receipts Shall be a Discharge to the Treasurer for the Same, And that the Sum of Three Hundred Pounds allowed to the said Treasurer, Shall be a good Discharge to him for so much in his Accounts.

AND be it further Enacted by the Authority aforesaid, That the said Philip Schuyler, Cornelius Cuyler Edward Collins, and Cornelius Van Horn & Paul Richard, before they receive any part of the Monies hereby directed to be paid unto them, to Enable them to perform the respective Trusts hereby required to be Performed by them, Shall respectively enter into Recognizances to our Sovereign Lord the King his Heirs and Successors to the following Purposes that is to Say, The said Phillip Schuy-

ler, Cornelius Cuyler, and Edward Collins, each of them before the Mayor or two or more of the Aldermen of the City of Albany in the Sum of Two Thousand Eight Hundred & Thirty Pounds with two Sufficient Sureties, each in half that Sum, And the said Cornelius Van Horn, and Paul Richard, Each of them before one of the Judges of the Supreme Court in the Sum of one Thousand, five Hundred & Six pounds, with two Sufficient Sureties, each in half that Sum, which Recognizances shall be respectively conditioned, That they shall well & truly each for his part employ and apply the Monies by them to be so respectively received as aforesaid to, and for the Several & respective Purposes directed by this Act, and well and duly observe doe and perform all the Directions hereby required to be by them observed done and performed according to the True Intent and meaning thereof, which Several Recognizances when taken, shall be delivered into the Supreme Court, there to be filed & Recorded.

AND to the End the aforesaid Phillip Schuyler, Cornelius Cuyler Edward Collins, And Cornelius Van Horn & Paul Richard, may have a Recompence for the Services hereby required of them to be done and Performed respectively, BE IT FURTHER ENACTED That the Treasurer of this Colony, shall pay unto them the said Phillip Schuyler Cornelius Cuyler and Edward Collins, the Sum of Thirty Shillings on every Hundred Pounds they Shall employ, and unto the said Cornelius Van Horn and Paul Richard the Sum of Fifty Shillings for every Hundred Pounds that they shall employ in Pursuance of this Act, and in that Proportion for a greater or Lesser Sum as a Reward for their Care and Trouble in the Performance of the Several and respective Services hereby required to be done and performed by them Respectively.

AND BE IT FURTHER ENACTED That if either of them the said Phillip Schuyler, Cornelius Cuyler, Edward Collins, or the said Cornelius Van Horn or Paul Richard Shall fail in employing and applying the Money so to be received by them in manner and for the respective Uses directed by this Act, or omit to do and perform what is hereby required to be by them done and Performed, In Such case or cases the Recognizance or Recognizances Shall be proceeded upon in due form of Law against the Person or Persons offending or his or their Sureties in the Supreme Court of this Colony, wherein no Essoin, Protection or Wager



of Law or any more than one Imparlance Shall be allowed, And the money recovered in consequence thereof Shall be paid into the Treasury of this Colony, and be applyed to and for Such uses as Shall be hereafter directed by Act or Acts to be passed for that Purpose.

AND BE IT FURTHER ENACTED, that of the due Disposition & application of the Several Sums of Money which Shall be received by them, the said Phillip Schuyler, Cornelius Cuyler Edward Collins, And Cornelius Van Horn and Paul Richard respectively in Pursuance of this Act they Shall keep exact Books, and render true and Distinct accounts thereof upon oath, to the Governour or Commander in chief for the Time being, to the Council or the General Assembly when by them or any of them thereunto required.

AND BE IT FURTHER ENACTED That if either of them the said Phillip Schuyler, Cornelius Cuyler, or Edward Collins, or the said Cornelius Van Horn or Paul Richard, Shall happen to Die, remove out of this Colony, or refuse to Act according to the Several and respective Powers & Authorities hereby directed, It shall and may be Lawfull to and for the Governour or Commander in Chief for the Time being by and with the Advice and consent of his Majesties Council, to Nominate & appoint Some other fit Person or Persons, in the Place and Stead of him or them so Dying removing or Refusing to Act as aforesaid. PROVIDED that the person or persons so appointed Shall be obliged to enter into the like Recognizances with the like Sureties as herein before directed, before he or they Shall be entitled to receive any part of the money herein before mentioned, and in all other respects be as Subject to Observe doe and Perform the Several matters directed by this Act, as if he or they had been named or appointed in it

AND BE IT FURTHER ENACTED That the said Phillip Schuyler, & Edward Collins Shall out of the Surplusage of the monies remaining in their hands by virtue of an Act Entitled An Act for raising a Supply of the Sum of Thirteen Thousand Pounds by a Tax on Estates real and Personal for the more effectual Fortifying this Colony, For the emitting Bills of Credit for the like Sum for the immediate answering the necessary Services, & for the Sinking & Cancelling the said Bills at the Several Short Periods therein mentioned, Pay unto Johan Jost Berkemer & Johan Jost Petree late contractors for Furnishing the Garrison at Oswego with Provisions, for what

is in Arrear to them, for Supplying the said Garrison, from the first day of November one Thousand Seven Hundred and Forty four, To the first day of November, one Thousand Seven Hundred and Forty Six, the Sum of Six Hundred and Eighty four Pounds, And the further Sum of Seventy four Pounds Three Shillings, for the Forbearance of the Payment of the last mentioned Sum, And the Receipt of the said Johan Jost Herkemer, and Johan Jost Petree for the Sums last mentioned, Shall be to the said Phillip Schuyler & Edward Collins a good and Sufficient Discharge for so much in their Accounts.

AND BE IT FURTHER ENACTED that the Treasurer Shall keep exact Books of the Several Payments which by this Act he is directed to make, and Render true Accounts thereof Upon oath to the Governour or Commander in Chief for the Time being to the Council or the General Assembly, when by them, or any of them thereunto required.

#### [CHAPTER 869.]

[Chapter 869 of Livingston & Smith and Van Schaack, where the title only is printed. Expired July 1, 1749.]

An Act to prevent Buying from or Exchanging with any of the Six Nations of Indians or from any other Indians in Alliance with them any Arms, Ammunition, Cloathing, or any other Present they may receive by his Majesty's order.

[Passed, July 1, 1748.]

BE IT ENACTED by his Excellency the Governour, Council & General Assembly, and it is hereby Enacted by the Authority of the Same, that if any Person or Persons whatsoever within the City or County of Albany to the Eastward of the Onyda Carrying Place from & after the Publication of this Act, Shall Buy, exchange, or take in Pawn, any Arms, Ammunition, Cloathing, or other Present whatsoever (of or from, any of the Six Nations of Indians, or of or from any other Indian in Alliance with them), which they Shall or may receive from his Excellency the Governor or Commander in Chief for the Time being, or from any other Person or Persons whatsoever by his Majesty's Order, and be convicted thereof by the Oath of any one Evidence before the Mayor or Recorder of the said City of Albany, or before any one Justice of the Peace of the said City or



County, He she or they so offending Shall for every Such offence respectively forfeit the Sum of Ten Pounds current money of the Colony of New York one half thereof to and for the Person or Persons who shall Sue for and Prosecute the Same to Effect, and the other half to the Indian or Indians from whom the Goods have been bought or taken in Pawn or Exchange

AND BE IT ENACTED by the Authority aforesaid that any Person who shall be accused or Suspected of Buying Exchanging, or taking in Pawn any Arms, Ammunition, Cloathing, or other Present as above mentioned of, or from the said Indians, or any one of them, the Mayor or Recorder of the said City of Albany, or any one Justice of the Peace of the said City & County, to whom complaint thereof shall be made are hereby impowered required & directed to Send for the Person so accused or Suspected & Tender him or her the following oath (viz't)

I, A. B do swear, That I have not directly or indirectly or with my consent, or Privity, bought, exchanged or taken in Pawn, of or from any Indian or Indians of the Six Nations, or of or from any other Indians in Alliance with them, any Arms, Ammunition, Cloathing, or other Present whatsoever which the said Indians, or any of them have received by order or Direction from his Majesty, so help me God.

And if the Person to whom the Same shall be Tendred shall refuse to take the said oath, he or She Shall be Adjudged guilty by the Said Mayor, or Recorder, or Justice of the Peace as aforesaid, and Shall immediately Pay the Forfeiture aforesaid, and upon Non Payment thereof Shall be Immediately committed to the Common Goal without bail or Mainprize until the said Forfeiture with all costs and charges arising thereon be fully paid and Discharged, and if the Person taking such oath, shall be found to have sworn a willfull Falshood Such Person shall be Punished, as in case of wilfull and corrupt Perjury, any Law, usage, or Custom to the contrary notwithstanding

AND be it further Enacted by the Authority aforesaid that all and every officer and officers whatsoever hereby charged with the Execution of this Act, who shall refuse, Neglect or Delay to Execute the same according to the true Intent and meaning thereof, every Such officer Shall respectively Forfeit the Sum of Twenty Pounds Current Money aforesaid, to be apply'd to and for the Support of his Majesty's Government in this Colony, to be recovered by the Treasurer of this Colony

in his own Name with full Costs of Suit and applied as aforesaid

AND be it Enacted by the Authority aforesaid, That this Act shall be and remain in full Force, from the Publication thereof Until the first Day of July which will be in the year of our Lord one Thousand Seven Hundred & Forty nine.

## THE TWENTY-FIFTH ASSEMBLY

### *Second Session.*

(Begun Sept. 20, 1748, 22 George II, George Clinton, Governor.)

### [CHAPTER 870.]

[Chapter 870 of Livingston & Smith and Van Schaack, where the title only is printed.\* See chapter 860.]

An Act to revive an Act Entituled an Act for raising the Sum of Eighteen Hundred Pounds by a Publick Lottery, for a Further Provision towards founding a College for the Advancement of Learning within this Colony with an Addition thereto.

[Passed, October 28, 1748.]

WHEREAS an Act passed the Ninth Day of April Last Entituled An Act for raising the Sum of Eighteen Hundred Pounds by a Publick Lottery for a further Provision towards founding a College for the advancement of Learning within this Colony, did for want of a Sufficient Number of Contributors expire the first Day of September last, by which means the Managers appointed in the said Act cannot proceed to the drawing the Lottery thereby Erected. For Remedy whereof BE it Enacted by his Excellency the Governour, Council & General Assembly, & it is hereby Enacted by the Authority of the Same, That the said Act Entituled an Act for raising the Sum of Eighteen Hundred Pounds by a Publick Lottery for a further Provision towards founding a College for the Advancement of Learning within this Colony, Shall be and hereby is revived and every Clause, Matter & Thing therein contain'd, Enacted to be & remain of full Force & Virtue to all Intents Constructions & Purposes whatsoever except so much thereof as Shall be alter'd by this Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid that instead of the first Day of September Last as was



directed by the aforesaid Act, the Drawing of the said Lottery Shall begin on the fourteenth Day of November next, or Sooner if full, And all the matters whatsoever directed by the above mentioned Act to be done & Performed by the first day of September Last, if done on or before the Fourteenth day of November next, Shall be good & Valid to all intents constructions & Purposes whatsoever, any thing in the said Act to the contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid in order to answer the good Purposes intended by the Act aforesaid, That in Case the whole Number of Tickets should not be sold by the said fourteenth Day of November next, in such case the managers Shall cause all the Tickets of the Outermost Columns which shall then remain undisposed of to contributors or adventurers to be delivered into the hands of the Treasurer of this Colony for the time being, to be by him retained & kept as Cash received from the said Managers, to be contributed & Adventured by the Publick towards the filling up of the said Lottery, at the risque and for the benefit of this Colony, and Shall be signed with the name of one of the Managers, and the corresponding Tickets in the same books shall be wrote upon thus, (Colony of New York) which Tickets so delivered into the hands of the said Treasurer shall by him be kept for the better Ascertaining & Securing the Interest which this Colony Shall or may have in the said Lottery, for the Tickets so Contributed or Adventured until the Adventure by the Drawing of the Lots and the Payment of Such Tickets as Shall be Fortunate be fully determined.

[CHAPTER 871]

[Chapter 871 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 852. Continued by chapter 876.]

An Act further to continue an Act Entitled an Act for and towards Supporting the Government of this Colony, by granting to his Majesty the Duties therein Mentioned from the first day of December one Thousand Seven Hundred & Forty To the first Day of December one Thousand Seven Hundred & Forty one.

[Passed, October 28, 1743.]

WHEREAS the Duties & Impositions Granted for the Support of his Majesties Government in this Colony by the above men-

tioned Act, have by Several Subsequent Acts been continued to the first day of December Next, and the General Assembly being willing to make Provision for the further Support thereof.

BE it Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above mentioned Act Entituled an Act for & towards Supporting the Government of this Colony by Granting to his Majesty the Duties therein Mentioned from the first Day of December one Thousand Seven Hundred & Forty To the first Day of December one Thousand Seven Hundred & Forty one, As also one other Act Subsequent thereto, Entituled An Act further to continue an Act, for & towards Supporting the Government of this Colony by Granting to his Majesty the Duties therein Mentioned from the first Day of December one Thousand Seven Hundred & Forty To the first Day of December one Thousand Seven Hundred & Forty one with an Addition thereto, Passed in the Twentyth year of his present Majesties Reign, Shall be & hereby are Enacted to be further continued, & every Clause Matter, Article & thing in the said two Acts contained to Remain & be of full Force & Virtue to all Intents Constructions and Purposes whatsoever from the first Day of December next, Until the first Day of January which will be in the Year of our Lord one Thousand Seven Hundred & Forty Nine.

#### [CHAPTER 872]

[Chapter 872 of Livingston & Smith and Van Schaack, where the title only is printed.]

#### An Act for the Payment of the Forces on the Northern Frontiers.

[Passed, October 28, 1748.]

BE IT ENACTED by his Excellency the Governour, the Council, & the General Assembly, and it is hereby enacted by the Authority of the Same, That the Treasurer of this Colony, shall be and hereby is impowered & required, out of the Residue of the Money remaining in the Treasury, by virtue of an Act entituled an Act, for raising a Supply of Twenty Eight Thousand Pounds, by a Tax on Estates real & Personal, for defraying the expence of Several Services necessary for the Defence of the Frontiers & Annoyance of the Enemy, for emitting Bills of Credit for the like Sum, and for sinking & cancelling the said Bills in short Periods passed in the Twenty first year of his present Maj-



esty's Reign, To pay the Sum of Three Thousand & Six Hundred Pounds, unto Phillip Schuyler, Cornelius Cuyler & Edward Collins, to be by Them applyed in the Payment of the new levyed Forces imployed for the Defence & Protection of the northern Frontiers of this Colony, from the Sixteenth Day of August last, To the first Day of November next after the following Rates. (viz't) Unto each captain Ten Shillings per Diem, To each Lieutenant Six Shillings per Diem, To each Serjeant two Shillings per Diem, To one Doctor providing his own Medicines, and two able Assistants to attend the said Forces, Twelve Shillings per Diem, And unto each private Man, one Shilling & Six pence per Diem.

AND be it further Enacted by the Authority aforesaid That to prevent any misapplication of the aforesaid Three Thousand Six Hundred Pounds, the said Pay Masters are hereby Required & Directed to Pay each Man what is Due to him, he first taking the following oath, which the said Pay Masters are hereby impowered & required to Administer (viz't) I, A. B Declare on the Holy Evangelist of Almighty God, That I am not, nor have been Inlisted in any of the Independent Companies of Fusileers posted at Albany, Since the Sixteenth Day of August last, neither have I been absent on furlow from the Company in which I have been Inlisted [but so many Days] Neither have I Deserted from the said Company, or any other or taken this oath before, but all the rest of the Time I have been in the actual Service of the Country as a private Centinal, So help me God. The tenor of which oath shall be also administered to each Serjeant before he be Entituled to receive any Pay from the said Pay Masters, & in case any of the said serjeants or Private Men, refuse to take the said oath hereby Directed, every Such Refusal shall be Deemed a full Discharge of all Demands they or Each of Them have on the Colony.

AND be it further Enacted by the Authority aforesaid, That when the said officers & Private Men, Each & every of Them, Shall have made it appear to the said Pay Masters, by takeing the said oath, what Number of Days They have actually been on the Service aforesaid Since the Sixteenth Day of August last the said Pay Masters shall then & not before Pay them Their wages, & their Several Receipts Shall be a full Discharge to the said Pay Masters for so much money.

AND to the End the said Pay Masters may have a Recompence for the Extraordinary Services hereby Required of them, to be

done & performed, be it further Enacted by the Authority aforesaid, that the said Pay Masters, shall retain in their hands, on Every Hundred Pounds they shall Pay unto the said officers & Men, The sum of Forty Shillings, and in that Proportion for a greater or Lesser Sum, as a Reward for their care & Trouble in the Performance of the Several & respective Services hereby required to be done & performed by Them

PROVIDED always & be it Enacted by the Authority aforesaid, That all Such Sum or Sums of Money, that shall remain in the said Pay Masters hands, after Paying the said Forces Pursuant to the Directions of this Act, shall be by Them Repaid unto the Treasurer of the Colony for the Time being and his Receipt shall be a full Discharge to them for what Money they Shall Repay.

AND be it further Enacted by the Authority aforesaid, that it is the Intention & meaning of this Act, That no man Shall be Entitled to Pay for his Service, but who was Actually Inlisted on the Service aforesaid before, the first Day of August last, nor no Commission officer for any Time he has not been in the Actual Service of the Country, any thing herein contained to the contrary Notwithstanding.

AND be it Enacted by the Authority aforesaid, That of the Due Disposition of the said Three Thousand Six Hundred Pounds, the said Cornelius Cuyler Phillip Schuyler & Edward Collins, Shall keep Exact Books, & render True & distinct accompts thereof upon oath, To the Governor or Commander in chief for the Time being, To the Council or General Assembly when by them or any of them thereunto Required.

AND be it further Enacted by the Authority aforesaid, That the Treasurer of this Colony, Shall be & hereby is required out of the residue of the Money in his hands, by virtue of the before mentioned Act, to Pay unto, Cornelius Van Horn & Paul Richard Esq's the Sum of Eighteen Hundred Pounds advanced by them for the Pay of the aforesaid Forces to the Sixteenth of August last, & their Receipts for the above mentioned Sum, Shall be to the Treasurer a good Voucher for the Same.

AND be it further Enacted by the same Authority, That the aforesaid Pay Masters, to whom the said Sum of Eighteen Hundred Pounds was advanced for the Pay of the Forces as aforesaid, Shall be & hereby are required & Directed to give an



Accompt on oath of the Disposition thereof to the Governor or Commander in chief for the Time being, the Council, or the General Assembly when by them or any of them thereunto required.

[CHAPTER 873.]

[Chapter 873 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 838. Continued by chapter 895.]

An Act further to Continue an Act Entitled an Act to Support the Garrison & Trading House at Oswego, with Some additions thereto.

[Passed, November 12, 1748.]

WHEREAS an Act entitled an Act to Support the Garrison & Trading House at Oswego passed in the Eighteenth year of his present Majesty's Reign, as also one other Act entitled an Act to continue an Act entitled an Act to Support the Garrison & Trading House at Oswego with Addition thereto passed in the Twentieth year of his Said Majesties Reign, will expire the first day of November next, and forasmuch as it is necessary to Support the Garrison & Trading House there.

BE IT ENACTED by his Excellency the Governor the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, that the two Acts above mentioned Shall be & hereby are further Continued, and Every Clause, Article, Matter & Thing, in the said two Acts contained, enacted to be & remain in full Force & virtue to all Intents Constructions & Purposes whatsoever from the said first Day of November next, until the first Day of January which will be in the year of our Lord one Thousand Seven Hundred & Fifty.

AND be it Enacted by the Authority aforesaid, that all & every the Recognizances, Bills & Bonds, that have been entered into for the Payment of Duties, in pursuance of the Acts aforesaid and Shall remain unpaid for the Space one Month next after the Publication of this Act, Shall be put in Suit by the Commissioners appointed by the Acts aforesaid or Either of them who Shall be & hereby are impowered, required & directed to put the Same in Suit, in their or Either of their own name or names, in any Court of Record within this Colony, by Bill Plaint or Information wherein no Essoyn, Protection or wager of Law, or any more than one Imparllance Shall be allowed, and all the moneys recovered in consequence of Such Suit or

Suits immediately after the Recovery thereof, Shall be by the said Commissioner or Commissioners paid according to the Directions of the aforesaid Acts.

AND be it Enacted by the Authority aforesaid that in case the said Commissioners Shall neglect or delay for the Space of one month next after the Time limited by this Act to put such Recognizances, Bills & Bonds in Suit, all the money due on Such Recognizances, Bills & Bonds, Shall be Deemed as Assets in their hands, and They shall be answerable for the Same accordingly, and the Treasurer of this Colony for the Time being Shall be and hereby is in Such case impowered and Required in his own Name, to Sue and Prosecute the said Commissioners for the Same, and all the Money recovered in consequence of Such Suits, Shall by the said Treasurer be paid for Supporting the Garrison and Trading House at Oswego, according to the true Intent and meaning of the Act first aforesaid

AND be it further Enacted by the Authority aforesaid That In Case any of the Recognizances, Bills or Bonds which during the Continuance of this Act, Shall or may be Entered into for the Payment of the Duties imposed by the Act first aforesaid Shall not be paid off and discharged within three Months next after their being so Entered into, the aforesaid Commissioners or Either of Them Shall be and hereby are impowered & required to put the Same in Suit in their own Name or Names for the Recovery of the Money due thereon. And in Case the said Commissioners, Shall neglect or Delay for the Space of one month next after the Expiration of the aforesaid three Months, to put Such Recognizances, Bills or Bonds in Suit, all the money which Shall be then Due on Such Recognizances, Bills and Bonds Shall be Deemed as Assets in their hands, and They Shall answer for the Same accordingly, and the Treasurer of this Colony in Such Case, Shall be and hereby is impowered & required in his own Name, to Sue and Prosecute the said Commissioners for the Same, and all the money recovered in consequence of such Suits Shall be paid by the said Treasurer towards Supporting the Garrison and Trading House at Oswego according to the true Intent and meaning of the Act first aforesaid, any thing in either of the aforesaid Acts to the contrary notwithstanding.



## [CHAPTER 874]

[Chapter 874 of Livingston & Smith and Van Schaack, where the title only is printed. Expired January 1, 1749.]

An Act to Let to Farm the Excise on Strong Liquors retailed in this Colony, From the first Day of November next, To the first Day of January which will be in the year of our Lord one Thousand Seven Hundred & Forty Nine.

[Passed, November 12, 1748.]

WHEREAS by an Act of the General Assembly, Entitled an Act for laying an Excise on all Strong Liquors retailed in this Colony passed in the Twelfth year of the Reign of her late Majesty Queen Anne, there was given and granted to her said Majesty, her Heirs and Successors, a Duty of Excise on all strong Liquors retailed in this colony, from the first day of November, one Thousand Seven Hundred & Fourteen, to the first Day of November, one Thousand Seven Hundred and Thirty four, for the uses and Purposes in the said Act particularly mentioned; which said Duty of Excise, hath by Several Subsequent Acts, been further continue from the said first Day of November, one Thousand Seven Hundred and Thirty four, to the first Day of November which will be in the year of our Lord, one Thousand Seven Hundred & Fifty Seven.

AND WHEREAS Sundry Persons have by themselves, or by others in their behalf, offered and engaged to pay for the said Duty of Excise, in the Cities & counties of this Colony, From the first Day of November in this present year, to the first Day of January, which will be in the year of our Lord one Thousand Seven Hundred and Forty nine.

BE it therefore Enacted by his Excellency the Governor the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Persons hereinafter named, Shall be the Farmers of the Said Duty of Excise, from & to the Time last mentioned, in the respective Cities & Counties of this Colony; and to have and receive the benefits thereof, at the Rates & for the Several Sums following, That is to Say.

Adolph Brass and James Mills for the City & County of New York for the Sum of Seven Hundred & Forty Pounds.

Jacob Hendrick Ten Eyck for the City & County of Albany for the Sum of one Hundred & Thirty Seven Pounds.

Daniel Bloom for Kings County for the Sum of Forty Six Pounds.

John Buttler for Queens County for the Sum of Eighty Pounds.

Isaac Brush for Suffolk County for the Sum of Fifty Pounds.

Clere Everit for Dutches County for the Sum of Thirty nine Pounds.

Gerrit Van Buren & Johanes Maste Jun'r for ulster County for the Sum of Thirty Nine Pounds.

Paul Micheaux for Richmond County for the Sum of Sixteen Pounds.

Samuel Purdy & Jonathon Lawrence for Westchester County for the Sum of Seventy five Pounds, and

John Yelverton & Johanes Westbrook Jun'r for Orange County for the Sum of Twenty one Pounds.

AND for the Effectual Securing the Several Payments before mentioned, be it enacted by the Authority aforesaid that the Several Farmers before named, shall be and hereby are required and Obliged Severally, to enter into the following Recognizances before any Judge of the Supreme Court, or of the Inferior Courts, to his Majesty, his heirs & Successors, with Sufficient Sureties, That is to Say

Adolph Brass & James Mills, in the Penal Sum of Fourteen Hundred and Eighty Pounds.

Jacob Hendrick Ten Eyck for the City & county of Albany in the Penal Sum of Two Hundred & Seventy four Pounds.

Daniel Bloom for Kings County in the Penal Sum of Ninety two Pounds.

John Buttler for Queens County in the Penal Sum of one Hundred and Sixty Pounds.

Isaac Brush in the Penal Sum of one Hundred Pounds.

Clere Everit in the Penal Sum of Seventy Eight Pounds

Gerrit Van Buren & Johanes Maste Jun'r in the Penal Sum of Seventy Eight Pounds.

Paul Micheaux in the Penal Sum of Thirty two Pounds

Samuel Purdy & Jonathon Lawrence in the Penal Sum of one Hundred & Fifty Pounds.

John Yelverton & Johanes Westbrook Jun'r in the Penal Sum of Forty two Pounds. Conditioned that each of the said Farmers shall well & truly pay to the Treasurer of this Colony, the respective Sums they have Severally farmed the said Duty of Excise at, in two equal Payments, that is to Say, one half



thereof on or before the first Day of June next ensuing, and the other half thereof on or before the first Day of January, which will be in the year of our Lord, one Thousand Seven Hundred & Forty nine, And the Judge or Judges before whom Such Recognizance or Recognizances are taken, are hereby required to cause the same to be recorded in the Minutes of the Supreme Court of this Colony, & afterwards to transmit the Same with all Expedition to the said Treasurer, with whom they are to remain until they shall be Discharged.

AND to the End that the before named Several & respective Farmers may not exercise the Powers hereby given, before they Shall have enter'd into the Recognizances, as hereby directed. Be it Enacted by the Authority aforesaid, That every such Farmer who Shall put in Execution all or any of the Powers aforesaid, before Such Recognizances Shall have been enter'd into; He, She or They, in Such Case offending, shall Forfeit & pay double the Sum for which they respectively farmed the Excise; to be recovered in any of his Majesty's courts of Record in this colony; one half thereof to any Person who will Sue for & Prosecute the same to Effect; the other half to be paid to the Treasurer of this colony, to be applied for Sinking & cancelling the Bills of credit struck & Issued upon the Duty of Excise.

AND that there may be no Failure in the Payments to be made to the Treasurer, of the Several & respective Sums which should be paid by the Several & respective Farmers. Be it enacted by the Authority aforesaid, that the Treasurer of this Colony Shall and do, and he is hereby directed & required to put in Suit, each & every Recognizance that shall not be paid on or before the first Day of June, & on or before the first Day of January, or within one month after each of the said Days respectively, with the Interest thereon, and for every Failure of the said Treasurer respecting the putting in Suit the said Recognizances, he shall Forfeit and pay the Sum of Fifty Pounds; to be recovered in any of his Majesties courts of Record within this Colony, by any Person or Persons who will Sue for & Prosecute the Same to Effect, to his, her, or their own proper use.

AND to the End the Several before named Farmers may have the full Benefit of the said Duty of Excise, from and to the Time before mentioned, Be it Enacted by the Authority aforesaid, that They & each of them & each & every of their Execu-

tors, Administrators, or Assigns Shall be & hereby are vested with all and Singular the Powers and Authority's, for gathering, Collecting and Recovering the said Duties & Forfeitures imposed in the said Act, in the respective Places the said Excise is hereby farmed to them, which in and by the Same, are granted & Allowed to Farmers of the said Excise, in as full, ample & effectual Manner, to all intents, constructions & Purposes whatsoever, as if the Several Clauses relating thereunto in the Act aforesaid had been at Large inserted & Enacted in the Body of this Act.

AND WHEREAS Several People and more particularly in the City of New York, have frequently retailed strong Liquors in their Houses, without being duly Licensed for that Purpose; And whereas Such Persons as aforesaid as likewise Several others who are duly Licenced to retail, not only sold strong Liquors to Slaves, but often entertained great Numbers of them at their Houses, or Suffered them to be entertained there; which Tempted & encouraged the said Slaves to Rob their Masters and others, for Supporting the Expence of such vile Practices; Be it Enacted by the authority aforesaid That no Person or Persons whatsoever, Shall be allowed or Permitted to retail any manner of strong Liquors in their Houses or Elsewhere, at any Time during the continuance of this Act, until, he, she, or they have first enter'd into Recognizance, That is to Say, in the Cities of New York & Albany, before the respective Mayors thereof; and in the Several counties of this Colony, before two Justices of the Peace, in the Penal sum of Twenty Pounds with Sufficient Sureties in the like Sum: Conditioned, to keep an orderly house according to Law, during the Time they shall be so licenced as aforesaid: and thereupon the respective Mayors or the said Justices, shall grant to the Person or Persons who have enter'd into Such Recognizances, a Licence under his or their hands and Seals, to retail strong Liquors in Such House or Place to be mentioned therein, at any Time or Times during the continuance of this Act, which Recognizances are to be lodged by the Person or Persons before whom the Same are taken (viz't) in the Cities of the New York & Albany with the Town Clerks, and in the Counties with the respective Clerks thereof, and upon complaint made of the Breach of the said Condition, it shall be Lawfull for the said Mayors and Aldermen of New York & Albany, or the greater Number of them, and in the Counties, for the Justices of



the General or Special Sessions of the Peace. to Suppress the Licence or Licences of such offender or offenders.

BE it further Enacted by the same Authority, That no Person or Persons, who have obtain'd such Licence as aforesaid, shall be Permitted to retail strong Liquors, before, he, she, or They have paid the Duties or agreed for the Excise, with Such Farmer or Farmers as have taken the Excise in the Place where, he, she or they intend to retail, and Secure to him or them the Payment of the said Duty, or the Sum agreed on, by Bond or otherwise, at the Discretion of the said Farmer or Farmers, who are thereupon to give a Permit in writing to Such Person or Persons, to retail Strong Liquors

Be it Enacted by the same Authority, That if any Person or Persons Shall retail strong Liquors in this Colony, before, he, she, or they have enter'd into Recognizances & obtain'd a License & permit, or paid the Duty in manner as aforesaid; he She or they, so offending, shall not only be Subject & Liable to the Penalties & Forfeitures contained in the before mentioned Act, but moreover, Forfeit the Sum of Ten Pounds; to be recovered in a Summary way, in the Cities of New York & Albany before the Mayor or Recorder, and one or more Aldermen of the said Cities respectively; and in the Counties, by any two Justices of the Peace, one whereof to be of the Quorum: And if upon Conviction, the said Forfeiture be not paid, the same is to be Levied on the Goods & Chattels of the offender or offenders, by Warrant under the hands & Seals of the Persons before whom such conviction shall happen, and if no Goods or Chattels are found on which to Distrain, it shall be Lawfull for the Persons who heard and determined the Cause, to Commit the offender or offenders to Goal without Bail or Mainprize, for the Space of three months, unless the said Penalties are Sooner discharged; and the said respective Magistrates Shall be, and hereby are fully impowered, directed & required, to hear and determine those Matters in manner aforesaid, and to give Judgment; and if need be, to award Execution thereon, and to issue a Warrant or Warrants for Commitment of offenders, as the Case may require one half of which Forfeiture shall be to the Informer or Informers & the other shall by the officer by whom the same Shall be Levied, be paid to the Church Wardens, or overseers of the Poor of the City Town, Mannor, or Precinct where the Same may arise & by them be apply'd to the use of the Poor of the said Place or Places

AND that the Expence of being qualify'd to retail may be within the Bounds of Moderation, Be it Enacted by the Authority aforesaid, That no more or greater Sum Shall be demanded or received for a Recognizance & Licence, in the Cities of New York & Albany than the usual and accustomed Fees, and in the respective Counties, than the Sum of Three Shillings

AND WHEREAS Several Persons as well in the said Cities as in the Counties, not being Tavern keepers, Dispose of Strong Liquors, from their Cellars or Stores; Under the quantity of Five Gallons, not drank there, but carry'd from thence to other Places; Be it Provided and Enacted by the Same Authority, that such Persons Shall not be obliged to Enter into Recognizance & take Licence, in manner as aforesaid, any thing contained in this, or the aforesaid act to the contrary notwithstanding; but that They & each of them Shall nevertheless be, and hereby are required and obliged to agree for the Excise with the respective Farmers thereof, and to obtain his or their Permit for so doing, before such Person or Persons shall retail strong Liquors without Doors, under the said quantity of Five Gallons; & in Default thereof, every offender and offenders, Shall be Subject and Liable to the Penalties and Forfeitures which in Such Cases are directed & mentioned in and by the Act aforesaid.

AND be it Enacted by the Same Authority, That of all the Penalties which may arise upon the Breach of the Recognizances hereby directed to be enter'd into, one half Shall be to the Informer or Informers, that shall Sue for and prosecute the Same to Effect; and the other half shall be paid to the Treasurer, and employed by him to Sink and cancell Bills of Credit Struck and issued upon the Duty of Excise; And that all other Forfeitures which may arise by virtue of this Act, not herein before applied, shall be to the Sole use & Benefit of the Farmers respectively.

AND be it further Enacted by the Authority aforesaid That all the Monies to be paid to the Treasurer, by the Several before named Farmers Shall be employed for and towards Cancelling Bills of Credit, Struck & issued upon the said Duty of Excise, at the Time & in the manner directed in & by an Act, entitled, an Act for the more effectual Cancelling the Bills of Credit of this Colony passed in the Twenty first year of his present Majesty's Reign & to and for no other use or Purpose whatsoever.



## [CHAPTER 875.]

[Chapter 875 of Livingston & Smith, where the act is printed in full. Chapter 875 of Van Schaack, where the title only is printed. See chapter 736. Revised by chapter 951.]

An Act to Continue an Act Entitled an Act to Encourage the Destroying of Wolves and Panthers in the Counties of Ulster, Dutches & Orange, Passed in the Sixteenth year of his Majesty's Reign with an addition thereto.

[Passed, November 12, 1743.]

WHEREAS the Reward allowed & given for the Destroying of Wolves & Panthers in the Counties of Ulster, Dutches & Orange by the above recited Act hath by experience been found to Answer the good Ends and Purposes thereby intended.

BE it therefore enacted by his Excellency the Governor the Council & the General Assembly, & it is hereby enacted by the Authority of the Same That the above mentioned Act, entitled an Act, to Encourage the Destroying of Wolves and Panthers in the Counties of Ulster, Dutches and orange, and Every Article Clause and matter therein Contained, Shall from the first Day of November next, Be, remain and Continue in full Force to all intents constructions and Purposes whatsoever, until the first Day of January which will be in the Year of our Lord one Thousand Seven Hundred and Fifty four.

AND be it enacted by the Authority aforesaid, That from and after the Publication of this Act, the Reward for taking Killing and Destroying of Wolves and Panthers in the County of Orange aforesaid, Shall be as followeth (viz't) For taking Killing and Destroying a full grown Wolf or Panther the Sum of Twelve Shillings and no more, and for every Whelp the Sum of Six Shillings and no more, To be raised, assessed, Levyed and paid in the Same manner, and under the Same Regulations as in the aforesaid Act is ordered and Directed, any thing in this or the aforesaid Act to the contrary hereof in any wise notwithstanding.

## THE TWENTY-FIFTH ASSEMBLY.

*Third Session*

(Begun June 27, 1749, 23 George II, George Clinton, Governor.)

[No acts were passed at this session.]

THE TWENTY-SIXTH ASSEMBLY.

*First Session.*

(Begun Sept. 4, 1750, 24 George II, George Clinton, Governor.)

[CHAPTER 876.]

[Chapter 876 of Livingston & Smith and Van Schaack, where the title only is printed. See chapters 703 & 852. Continued by chapter 918.]

An Act To Revive the Two Acts, Therein mentioned For and towards Supporting the Government of this Colony.

[Passed, September 11, 1750.]

WHEREAS The Act, Entituled an Act for and Towards Supporting the Government of This Colony, by Granting to his Majesty The Duties therein mentioned from the first day of December, one Thousand Seven Hundred and forty to the first day of December one thousand Seven Hundred and forty one, passed in the fourteenth year of His Present Majesty's Reign, and also the Act Intituled an Act further to Continue an Act Intituled An Act for and Towards Supporting the Government of this Colony by Granting to his Majesty the Duties therein mentioned from the first day of December, one Thousand Seven hundred and forty, To the first day of December, one Thousand Seven hundred, and Forty one with an addition thereto Passed in the Twentieth year of his Present Majestys Reign Having been Continued by Several Subsequent Acts to the first day of January last then Expired and the General Assembly being willing to make Provision for the farther Support Thereof BE, IT, THEREFORE ENACTED by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same That the Above mentioned Acts, The one Entituled an Act For and Towards Supporting The Government of this Colony, by Granting to his Majesty The Duties therein Mentioned from the first day of December, one thousand Seven hundred and forty To the first day of December, one thousand Seven hundred and forty one, The other Entituled an Act further to Continue an Act Entituled an Act, for and Towards Supporting the Government of this Colony by Granting to his Majesty the Duties Therein mentioned from the first day of December one thousand Seven hundred and forty, to the first day of December one thousand Seven hundred



& Forty one with an Addition Thereto, Shall be and hereby are Revived and Every Clause, Article & thing In the Said Two Acts Contained To be and Remain in full Force and Virtue, To all Intents Constructions and Purposes whatsoever, from the Publication hereof untill the first day of January, which will be in the Year of our Lord one Thousand Seven hundred and fifty one.

[CHAPTER 877]

[Chapter 877 of Livingston & Smith, where the title only is printed. Expired January 1, 1751. See chapter 914.]

An Act, to Lett To Farm, The Excise on Strong Liquors retailed In this Colony, from the Second Day of October next, to the first day of January, which will be in the Year of our Lord one Thousand Seven hundred & fifty one.

[Passed, October 12, 1750.]

WHEREAS by an Act of the General Assembly, Entitled an Act for Laying an Excise on all Strong Liquors Retailed in this Colony, passed in the Twelfth Year of the Reign of her late Majesty, Queen Anne, there was given and Granted to her Said Majesty her Heirs and Successors, a Duty of Excise on all Strong Liquors Retailed in this Colony, from the first day of November one Thousand Seven hundred and fourteen to the first day of November one Thousand, Seven hundred and Thirty four, for the use and purposes in the Said Act particularly Mentioned which Said Duty of Excise hath by Several Subsequent Acts been further Continued from the first day of November one Thousand Seven hundred and Thirty four, to the first day of November which will be in the Year of our Lord, one Thousand Seven hundred and fifty Seven. AND WHEREAS Sundry persons have by themselves or by others in their Behalf offered and Engaged to pay for the Said Duty of Excise in the Citys & Counties of this Colony, from the Second day of October Next to the first day of January which will be, in ye year, of our Lord one Thousand Seven Hundred and fifty one.

BE IT, THEREFORE ENACTED, By His Excellency the Governor, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, that the Per-

sons hereinafter named Shall be the Farmers of the Said Duty of Excise, from and to the Time last mentioned in the respective Citys, and Countys of this Colony and To Have and Receive the Benefits Thereof, at the Rates and for the Several Sums following that is to Say Adolph Brass, and James Mills for the City and County of New York, for the Sum of Nine hundred, and Twenty pounds, Cornelius Van Horne for the City and County of Albany for the Sum of one hundred and five pounds, Jacob Brewinton for King's County for the Sum of Seventy pounds Adam Lowrance for Queens County for the Sum of Eighty pounds, Samuel Seaman and Nathaniel Bigg's for Suffolk County for the Sum of Sixty one pounds, Clear Everett for Dutchess County for the Sum of forty one pounds, Saphrin Bryan & Jonathon Halsbrooke for Ulster County, for the Sum of Forty one pounds. Paul Micheaux for Richmond County, for the Sum of Sixteen pounds, Benjamin Brown Jun'r and Underhill Budd for Westchester County for the Sum of one hundred and five pounds, Johannis Bogart & John Yelverton, for orange County, for the Sum of Twenty one pounds. AND FOR THE EFFECTUAL Securing the Several payments before mentioned BE IT ENACTED by the Authority aforesaid That the Several Farmers before named Shall be and hereby are required and obliged Severally, to Enter into the following recognizances Before any Judge of the Supream Court or of the Inferior Courts, to His Majesty his Heirs and Successors, with Sufficient Sureties, That is To Say, Adolph Brass and James Mills for the City and County of New York In the pennal Sum of Eighteen hundred and forty pounds Major Cornelius Van Horne for the City and County of Albany in the penal Sum of Two hundred & Ten pounds.

JACOB Brewinton or Kings County, in the penal Sum of One Hundred and forty pounds, Adam Lawrence or Queens County in the penal Sum of one hundred and Sixty Pounds, Samuel Seaman and Nathaniel Biggs for Suffolk County in the Penal Sum of one hundred and Twenty two pounds, Clear Everitt, for Dutchess County in the penal Sum of Eighty two pounds, Saphrin Bruyan, & Jonathan Haesbrook, For Ulster County, in the penal Sum of Eighty two pounds, Paul Micheaux for Richmond County, in the penal Sum of Thirty Two pounds, Benjamin Brown Junior and Underhill Budd for Westchester County, in the penal Sum of Two hundred and Ten pounds, Johannes Bogart and John Yelverton for Orange County in the penal



Sum of Forty two pounds, CONDITIONED that Each of the Said Farmers Shall well and truly pay to the Treasurer of this Colony, the Respective Sums they have Severally farmed the Said Duty of Excise at, in two Equal payments, that is to Say, one half thereof, on or before the first day of June, next Ensuing and the other Half thereof, on or before the first day of January, which will be in the Year of our Lord one Thousand Seven hundred and fifty one, and the Judge or Judges Before whom Such recognizance or recognizances are Taken are Hereby required to Cause the Same to be recorded, in the Minutes of the Supream Court of this Colony, and afterwards To Transmit the Same with all Expedition to the Said Treasurer, with whom they are to Remain untill they Shall be discharged.

AND to the End, That the Before named, Several and respective Farmers may not, Exercise the Powers hereby Given, Before they Shall Have Entered into the Recognizance's as hereby directed BE IT ENACTED by the Authority aforesaid that Every Such Farmer who Shall put in Execution all or any of the powers aforesaid Before Such Recognizances Shall have been Entered into he, She, or they in Such Case offending Shall Forfeit and pay Double the Sum, for which they respectively farmed the Excise to be recovered in any of his Majestys Courts of record, in this Colony, one Half thereof to any Person who will Sue for and prosecute the Same to Effect the other half to be paid to the Treasurer of this Colony to be applied for Sinking and Cancelling the Bills of Credit Struck and Issued upon the Duty of Excise.

AND That there may be no failure in the payments to be made to the Treasurer, of the Several and Respective Sums, which Should be paid by the Several and respective Farmers, BE IT ENACTED BY THE Authority aforesaid that the Treasurer of this Colony Shall and do and he is hereby Directed and required To put in Suit Each and every Recognizance, that Shall not be paid on or before the first day of June next, And on or Before the first day of January, which will be in the year of our Lord, one Thousand Seven hundred and fifty one, or within one month after each of the Said Days, respectively with the Interest thereof and, for Every failure of the Said Treasurer, respecting the putting in Suit the Said recognizances he Shall forfeit & pay the Sum of Fifty pounds, to be Recovered in any of His Majestys Courts of Record within this Colony,

by any person or persons who will Sue for and prosecute the Same to Effect to his, Her, or their own proper use. AND To the End the Several before Named Farmers may have the Full Benefitt of the Said Duty of Excise from and to the Time Before mentioned. BE IT ENACTED BY THE AUTHORITY aforesaid, That they and each of Them, and each and every of Their Executors, Administrators or assigns, Shall be and hereby are Vested, with all and Singular the Powers and Authoritys for Gathering Collecting, and Recovering, the Said Dutys and Forfeitures Imposed in the Said Act, in the Respective places the Said Excise is hereby Farmed to them, which in and by the Same, are Granted and Allowed, To Farmers of the said Excise, in as full Ample and Effectual manner to all Intents, Constructions And Purposes Whatsoever, as if the Several Clauses Relating Thereunto in the Act aforesaid, had been at large, Inserted and Enacted in the Body of this Act.

AND WHEREAS Several People, and more particularly in the City of New York, do frequently Retail Strong Liquors in their Houses, without being duely Licens'd for that Purpose, and Whereas Such Persons as aforesaid as Likewise Several others, who are duly Lincensd to Retail, not only Sell Strong Liquors to Slaves, but often Entertain great Numbers of them at their Houses, or Suffer them to be Entertained There which Tempt, and Encourage the Said Slaves to Rob their Masters and others for Supporting the Expence of Such Vile Practices. BE IT ENACTED by the Authority aforesaid, that no Person or Persons whatsoever, Shall be allowed or Permitted, to retail any manner of Strong Liquors in their Houses or Elsewhere, at any Time during the Continuance of this Act, untill he, She, or they, have first Entered into Recognizances that is to Say, in the Citys of New York and Albany, Before the Respective Mayors thereof, and in the Several Counties of this Colony, Before Two Justices of the Peace, in the penal Sum of Twenty pounds, with Sufficient Suretys in the Like Sum Conditioned to keep an orderly House According to Law during the Time they Shall be So Lincensed as aforesaid and thereupon the Respective Mayors or the Said Justices Shall Grant to the person or persons, who have Entered into Such Recognizance a Licence under his or their hands and Seals, to Retail Strong Liquors in Such House or place to be Mentioned therein at any time or times during the Continuance of this Act, which Recognizances are to be Lodged, by the person or persons,



before whom the Same Are Taken, Viz't in the Citys of New York and Albany, with the Town Clerks and in the Counties with the respective Clerks thereof and upon Complaint made of the Breach of the Said Condition it Shall be Lawfull for the Said Mayors And Alderman of New York, and Albany, or the Greater Number of them, and in the Countys for the Justices of the General or Special Sessions of the Peace, to Supress the Licence or Licences of Such offender or offenders

BE IT FURTHER ENACTED by the Same Authority, that no person or Persons who have obtained Such License as aforesaid Shall be permitted to Retail Strong Liquors before he, She, or they, have paid the Dutys or agreed for the Excise with Such Farmer or Farmers as have Taken the Excise in the place where he, She, or they, Intend to Retail and Secure to him or them the payment of the Said Duty, or the Sum agreed on by Bond or otherwise, at the Discretion of the Said Farmer or Farmers, who are thereupon to give a permit in writing to Such Person or Persons to Retail Strong Liquors.

BE IT ENACTED by the Same Authority that if any Person or Persons Shall Retail Strong Liquors in this Colony Before he, She or they have Entered into Recognizance's, AND OBTAINED a License and permitt or paid the Duty in manner aforesaid, he, She, or they So offending Shall not only be Subject and Liable to the penalties and forfeitures Contained in the Before mentioned Act, But moreover forfeit the Sum of Ten pounds, to be Recovered in a Summary way, in The Citys of New York and Albany, Before the Mayor or Recorder, and one or more Alderman of the Said Citys Respectively and in the Countys by any two Justices of the peace one whereof to be of the Quorum, and if upon Conviction the Said Forfeiture be not Paid the Same is to be Levied on the Goods and Chattles of the offender or offenders by warrant under the Hands & Seals of the Persons before whom Such Conviction Shall happen and if no Goods or Chattles are found on which to destrain it Shall be Lawfull for the Persons, who heard and Determined the Cause to Committ the offender or offenders, to Goal without Bail or mainprize, for the Space of Three months unless the Said Penalties are Sooner Discharged, and the Said Respective Magistrates Shall be and hereby are fully Impowered directed and Required to hear and Determine those matters in The manner aforesaid and to give Judgment, and if need be to award Execution thereon and to Issue A Warrant or War-

rants for Commitment of offenders as the Case may require one half of which Forfeiture, Shall be to the Informer or Informers and the other Shall by the officer by whom the Same Shall be Levied, be paid To the Church Wardens or overseers of the Poor of the City, Town, Manor, or Precinct where the Same may arise, and by them be applyed to the use of the Poor of the Said Place or Places.

AND That the Expence of being Qualify'd to Retail may be within the Bounds of moderation BE IT ENACTED by the Authority aforesaid, That no more or Greater Sum, Shall be Demanded or Received for a Recognizance or Licence in the City's of New York, and Albany, then the usual and accustomed Fees, and in the Respective Countys than the Sum of Three Shillings

AND WHEREAS Several Persons, as well in the Said Citys as in the Countys not being Tavern keepers Dispose of Strong Liquors, from their Cellers and Stores under the Quantity of Five Gallons not Drank there but Carried from thence, to other places, BE IT PROVIDED and Enacted by the Same Authority, that Such Persons Shall not be obliged to Enter into Recognizance and take Licence as in manner aforesaid any thing Contained in this, or the aforesaid Act, to the Contrary notwithstanding But that they and each of them, Shall nevertheless be and hereby are Required and obliged to agree for the Excise with the Respective Farmers thereof, and Obtain his or Their permitt for So doing or pay the Duty in manner aforesaid before Such Person or Persons Shall Retail Strong Liquors without Doors under the Said Quantity of Five Gallons and In Default thereof, Every offender, and offenders, Shall be Subject and Liable, to the Penalties and forfeitures which in Such Cases are Directed and Mentioned in and by the Act aforesaid.

AND BE IT ENACTED by the same Authority that of all the Penalties which may arise upon the Breach of the Recognizances hereby directed to be Entered into one half Shall be to the Informer, or Informers that SHALL Sue for, and Prosecute the Same, to Effect, and the other Half, Shall be paid To the Treasurer and Employed by him to Sink and Cancel bills of Credit Struck and Issued upon the Duty of Excise, and That all other forfeitures which may arise by Virtue of this Act, not herein before applyed, Shall be to the Sole use, and Benefit of the Farmers Respectively AND BE IT FURTHER ENACTED



by the Authority aforesaid, That all the moneys to be paid to the Treasurer, by the Several before named Farmers Shall be Employed for and Towards Cancelling Bills of Credit Struck, and Issued upon the Said Duty of Excise at the Times and in the manner, directed in and by an Act, Entitled an Act, for the more Effectual Cancelling The Bills of Credit of this Colony, passed, in the Twenty first year of his Present Majestys Reign, and to and for no other use and purpose whatsoever.

[CHAPTER 878.]

[Chapter 878 of Livingston & Smith and Van Shaack, where the title only is printed.]

An Act for Naturalizing Jochum Melchior Magens.

[Passed, October 12, 1750.]

WHEREAS the above named Jochum Melchior Magens has by his Petition presented to the General Assembly of the Colony of New York, Desir'd that he might be Naturaliz'd and become his Majesty's Leige Subject within the said Colony.

BE IT THEREFORE ENACTED by his Excellency the Governor, the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above named Jochum Melchior Magens, Shall be and hereby is Declared to be Naturaliz'd to all Intents, Constructions and Purposes whatsoever, and from henceforth and at all Times hereafter Shall be Entitled to have and Enjoy all the Rights Liberties Priviledges and Advantages which his Majestys Natural born Subjects in the said Colony have and Enjoy, or ought to have and Enjoy, as fully to all Intents and Purposes whatsoever, as if the Said Jochum Melchior Magens had been Born within his Majestys Colony of New York.

PROVIDED always and it is hereby further Enacted by the Same Authority, That the said Jochum Melchior Magens, Shall take the oaths appointed by Law Instead of the oaths of Allegiance and Supremacy, Subscribe the Test & make repeat Swear to and Subscribe the Abjuration oath in any of his Majestys Courts of Record within this Colony, which oaths the Said Courts are hereby Required upon application to Them made to administer, Take the Subscription & cause name of the Person so Swearing and Subscribing to be Enter'd upon Record in the Said Court, and the Said Jochum Melchior Magens is

hereby required to Pay the Several Sums herein after mentioned, That is to Say, To the Speaker of the General Assembly the Sum of Ten Shillings, To the Judge of the Court the Sum of Six Shillings, and to the Clerk of Such Court the Sum of Three Shillings

AND BE IT FURTHER ENACTED by the Authority aforesaid That if the Said Jochum Melchior Magens having so Sworn & Subscribed as aforesaid, Shall Demand a certificate of his being Enter'd upon Record, in the manner herein before Directed, The Court in which Such oaths and Subscriptions Shall be made are hereby Directed & REQUIRED to grant Such under the hand of the Judge & Seal of the Said Court in which Such oaths & Subscriptions as aforesaid Shall be made, Countersigned by the Clerk of the Said Court, For which Certificate He shall Pay over & above the Sums before mentioned, The Sum of Six Shillings, one half to the Judge of Such Court and the other half to the Clerk thereof, Which certificate Shall at all Times be to the said Jochum Melchoir Magens a Sufficient Proof of his being Naturaliz'd by virtue of this Act, in as full & Effectual a manner, as if the Record aforesaid was atoually Produced by him.

PROVIDED ALSO AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the Said Jochum Melchoir Magens hereby Naturaliz'd, Shall not take the oaths, Test & Abjuration in manner herein before Directed within Three Months after the Publication hereof, He shall have no manner of benefit by this Act, any Thing therein contained to the contrary Notwithstanding.

[CHAPTER 879.]

[Chapter 879 of Livingston & Smith, where the act is printed in full. Chapter 879, of Van Schaack, where the title only is printed. See chapter 859. Expired January 1, 1757. Provided for by chapter 1215.]

An Act, To Revive An Act, Entituled, An Act to provide Able pilots and to Establish their Pilotage Between Sandy Hook, and the port of New York

[Passed, November 24, 1750.]

WHEREAS An Act, Entituled an Act to Provide Able Pilots and to Establish their Pilotage Between Sandy Hook and the Port of New York passed in the Fifth year of His Present



Majestys Reign is Expired and forasmuch as the Said Act is Necessary, for the Safety, and Security of Navigation to be Revived.

BE IT THEREFORE ENACTED, by His Excellency The Governor, The Council, and The General Assembly and it is Hereby Enacted by the authority of the Same That The above-mentioned Act, Entituled An Act to provide Able Pilots and to Establish Their Pilotage Between Sandy Hook And the Port of New York, Shall be and hereby Is Revived, and Every Clause Article And Thing, therein Contained, To be and remain In full force and Virtue, to all Intents Constructions and Purposes whatsoever From the Publication Hereof to the first day of January which will be in the Year of our Lord one Thousand Seven Hundred and fifty Seven

[CHAPTER 880.]

[Chapter 880 of Livingston & Smith, where the act is printed in full. Chapter 880 of Van Shaack, where the title only is printed. See chapter 622. Continued by chapter 1095.]

An Act further to Continue an Act Entituled an Act to Lay a Duty of Tonnage on the Vessells and for the Time Therein mentioned with an Explanation and Addition Thereto.

[Passed, November 24, 1750.]

BE IT ENACTED, by His Excellency the Governor, The Council and the General Assembly and it is Hereby Enacted by the Authority of the Same that one Act Entituled an Act To lay a Duty of Tunnage on The Vessells and for the Time Therein Mentioned Passed in the Eighth year of his Majestys Reign and which by Several Subsequent Acts has been Continued until the first day of July which will be in the Year of our Lord one thousand Seven hundred and fifty one Shall be and hereby is further Continued and every Clause Matter and Thing therein Contained Enacted to be and Remain of Force to all Intents Constructions and Purposes Whatsoever, from the Said first day of July next, until the first day of January which will be in the Year of our Lord one Thousand Seven hundred and Sixty, AND WHEREAS many Disputes and Controversies have arrisen, and may hereafter Arrise Respecting The True Intent & meaning of all Coasting Vessells, Exempted from The

Duty of Tunnage, Imposed by the aforesaid Act for preventing whereof for the Future, BE IT ENACTED by the Authority aforesaid That Every Coasting Vessel, which Shall hereafter, be Exempted from the Duty of Tunnage in the Said Act Imposed Shall not Exceed the Burthen of Eighty Tons Carpenters Tunnage, and Shall be wholly Owned by Persons Dwelling and Residing within the Limits of Cape Henlopen Westward and Southward and New Hampshire Eastward both Inclusive and that the Same Shall be Actually Loaded at and Come from Some port or Harbour within the Limits aforesaid and Shall Return from Hence to the place from whence She Came, or to Some other place within the Limits aforesaid and there unlade whatever Goods, or merchandizes She took in, in this Colony. AND BE IT ENACTED by the Authority aforesaid that Every master of Such Vessel, Shall (if required) make oath before the Treasurer of this Colony, who is hereby Impowered to Administer the Same, that According to the Best of His Knowledge and Belief Such Vessel is a Coasting Vessel within the True Intent and meaning of this Act and that he has no Intention to evade the Paying the Duty of Tonnage Imposed by the Aforesaid Act and in Case Such Master Shall Refuse to Take Such oath as aforesaid, he Shall be Liable to pay the Duty of Tunnage and Penalties Imposed in the Aforesaid Act, any thing therein Contained to the Contrary notwithstanding. AND BE IT further Enacted by the Authority aforesaid That Every master or Commander of any Vessel Subject to the aforesaid Duty of Tunnage who Shall not within forty Eight Hours after his Arrival into the port OF New York make Report, To the Treasurer of this Colony of his Arrival and of the Burthen of his Vessel Shall Forfeit and Pay for Every Such Neglect and ommission the Sum of Fifty Pounds to be Recovered by the Treasurer of this Colony, with Full Costs of Suit in any of His Majestys Courts of Record in This Colony, and the Said money So Recovered Shall by the Said Treasurer be applyed together with All the Money arising by the Aforesaid Duty of Tunnage for and Towards Sinking and Cancelling the Bills of Credit of this Colony, Struck and Issued on the Credit of the aforesaid duty of Tonnage. AND BE IT FURTHER ENACTED by the Authority Aforesaid that in Case the Produce of the Said duty of Tunnage Should Exceed the Sum required to Sink and Cancill the Bills of Credit Struck and Issued on the Credit of the



Said Fund, all Such Surplus Shall remain in the Treasury, until disposed off by the Act or Acts, hereafter to be passed for that Purpose, AND BE IT FURTHER ENACTED by the Authority aforesaid that all and Every the Bills of Credit of this Colony, made Struck and Issued on the Credit of the Aforesaid Duty of Tunnage and which are yet uncanceled Shall be and hereby are Enacted to Remain Current in all payments untill the Said first day of January which will be in the Year of our Lord one Thousand Seven hundred and Sixty and all persons Refusing to Accept the Same in payment or presuming to Counterfeit or Alter the Same So as to appear of a Greater Value than they were first Issued for Shall Incurr the Same Pains and Penalties, as in Such Cases are provided and Enacted by the Act by Virtue of which the Same were Struck & Issued,

[CHAPTER 881.]

[Chapter 881 of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act to restrain Tavern Keepers and Inholders from Selling Strong Liquors to Servants & apprentices & from giving Large credit to others.

[Passed, November 24, 1750.]

WHEREAS the Selling of Strong Liquors to Servants & Apprentices & the giving of Large Credit to others, has by Experience been found to be very Prejudicial to the Inhabitants of this Colony.

BE IT THEREFORE Enacted by his Excellency the Governor, the Council, and the General Assembly, And it is hereby Enacted by the authority of the Same, That from and after the first Day of December next, No Tavern Keeper or Inholder within this Colony, Shall Sell any Strong Liquors to any Servant or Apprentice, knowing him or her to be Such, without the consent of his or her Master or Mistress on the Penalty of Forty Shillings, over and above the Loss & Forfeiture of any Debt that the Said Servant or Apprentice Shall or may contract for any Such Liquors, with any Such Tavern Keeper or Inholder, The said Penalty to be recovered by any Master or Mistress, that Shall Sue for the Same before any one of his Majesties Justices of the Peace for the City and County where Such offence Shall happen to be committed, who is hereby impowered and required to hear and determine the Same

AND BE IT FURTHER ENACTED BY THE AUTHORITY AFORESAID That if any Such Tavern Keeper or Inholder, or any other Person or Persons Shall take or receive, directly or Indirectly, From any Such Servant or Apprentice any Cloathing, or any other Goods, Chattles, Wares or Merchandizes in Payment for any Such Strong Liquors, or in Pawn or Pledge, to Secure any Such Payment, and thereof be convicted by the oath of any one credible Witness, or in Such other Manner as this Act shall direct, he she or they so offending over and above the Penalty aforesaid, Shall restore unto the Master or Mistress of Such Servant or Apprentice, all Such Cloathing or other Goods, Chattles WARES or Merchandizes which he or They have so taken or received from any Such Servant or Apprentice, and that within Three Days after Such conviction, or Forfeitt unto the Master or Mistress of any Such Servant or apprentice Double the value of all Such Cloathing or other Goods, Chattles, Wares or Merchandizes, which he she or They have so taken or Received as aforesaid, to be recovered as by this act shall be Directed

AND WHEREAS it is the common Practice of Such Tavern Keepers & Inholders to Sell their Strong Liquors to Servants and apprentices, and to take & receive from Them Cloathing and other Goods, Chattles, Wares and Merchandizes in Payment for Such Liquors, or in Pawn or Pledge, to Secure Such Payment in so Secret a manner, That no Person is privy to it but the said Tavern Keeper or Inholder and Such Servant or apprentice, which renders it very Difficult for the Masters or Mistresses of Such Servants or apprentices to convict any Person of the offences aforesaid BE IT THEREFORE ENACTED BY THE AUTHORITY AFORESAID That if any Master or Mistress of Such Servant or apprentice Shall Suspect, That any Tavern Keeper or Inholder, hath contrary to the Intent and meaning of this Act, Sold any Strong Liquors to his or her Servant or apprentice, or taken or received any Cloathing or other Goods, Chattles, Wares or Merchandizes from the Said Servant or apprentice, in Payment for Such Liquors, or in Pawn or Pledge to Secure Such Payment, then and in Such case the Master or Mistress of any Such Servant or apprentice Shall and may make his or her complaint to any one of His Majesty's Justices of the Peace of Such City or County where the Person complained of Shall happen to Reside, who within Three Days after any Such Complaint to him made, Shall Summon the Said Party



complained of to appear before him at Such Time and Place as he Shall Direct, At which time the complainant Shall also attend, and give the Reasons of his Suspicion and also deliver an Account in writting, of the Particular Things or Kinds of Goods which He or She Suspects to have been taken and Received from his or her Servant or aporentice, and upon Oath declare the Value of Such Goods to the best of his or her Judgment, in which case if the Defendant will not then take an oath, That he or she (as the Case may happen) hath neither directly nor Indirectly by him or herself, nor by any other Person for him or her Sold to the Said Servant or apprentice of the Complainant any Strong Liquors, nor knowingly to any other Person for the Said Servant or apprentice, nor taken or Received any Cloathing, or any other Goods, Chattles, Wares or Merchandizes in Payment for Such Liquors, or in Pawn or Pledge to Secure Such Payment from the Servant or apprentice of the Complainant, nor knowingly from any other Person, on account of the Said Servant or Apprentice, That then the Defendant Shall be Judged, deemed and esteemed, convicted of the Said offence, and the said Justice shall within Six Days, and not under Four Days after Such Conviction, Issue his Precept of Execution to the Constable of the Town, Mannor or Precinct where the offender Shall happen to be, To Levy the aforesaid Penalty, and Double the Value of the Goods as aforesaid with the Cost of Suit, on the Goods & chattles of the offender, To the use of the Complainant in the Said Suit, unless the Penalty be paid, and the Goods restored before that Time; and if the offender has no Goods or Chattles whereon the Said Penalties may be Levyed, Then the Said offender, Shall be committed to Goal for the Space of Twenty Days, Unless he or she Shall Pay the Said Penalty & charges accruing thereon before that Time. But if the Said Defendant will take the Said Oath, then he or she (as the Case may happen) Shall be Discharged, and the Plaintiff Shall Pay all the Cost; and if afterwards it appear, That any Person or Persons who have taken the said oath, have Sworn falsely, Such Person or Persons Shall Incurr the like Pains and Penaltys as those who are found guilty of willfull Perjury, and be Prosecuted accordingly.

AND BE IT FURTHER ENACTED BY THE AUTHORITY AFORESAID That if any Tavern Keeper or Inholder within this Colony, Shall after the first Day of December next Presume to Trust or credit any Person or Persons other than Travellers,

more or above the Sum of Six Shillings Current Money of this Colony, he, she, or They so Trusting or crediting any Person or Persons more than the Sum of Six Shillings as aforesaid, for any Sorts of Strong Liquors, or other Tavern Expences, Shall Loose the Debt, and hereby be Disabled, from ever Recovering the Said Debt, or any part thereof; and if any Tavern Keeper or Inholder Shall Presume to Sue for any Such Debt above the Sum of Six Shillings, contrary to THE True Intent and meaning of this Act, every Such Action and Suit Shall abate, and the Person Sued Shall and may plead this Act in Bar, and the plaintiff in Such Suit, Shall become Non Suit, and pay double Cost.

AND BE IT FURTHER ENACTED BY THE AUTHORITY AFORESAID That if any Tavern Keeper or Inholder, Shall take or get from any Person, Trusted as aforesaid, any obligation, Bill, or other Security for any Sum above the Sum of Six Shillings, under Pretence that it is for other Goods, and thereof be convicted, he She or They so offending Shall Forfeit double the Sum of Such Obligation so taken, The one half to the Poor of the Parish where the Forfeiture Shall arise, the other half to any Person who Shall Sue for the Same in any Court of Record within this Colony.

AND BE IT FURTHER ENACTED BY THE AUTHORITY AFORESAID That if any Tavern Keeper or Inholder, Shall Sue any Person or Persons for any Sum of money, not exceeding the Sum of Six Shillings, the Said Person so Suing Shall upon bringing Such Suit, Take an oath, That the Sum so by him or her Sued for, is the whole and Intire Debt due to him or her from the Defendant at that Time, and the Plaintiff Shall be thereby Disabled from recovering any other Debt contracted by the Said Defendant with the Said Plaintiff, before that Time for Strong Liquors or any other Tavern Expences, be the Same by Specialty or otherwise, any Law, usage or Custom to the contrary hereof notwithstanding

#### [CHAPTER 882.]

[Chapter 882 of Livingston & Smith and Van Schaack, where the act is printed in full. See chapter 167.]

An Act to continue an Act entitled an Act  
for Encouragement of Whaling.

[Passed, November 24, 1750.]

WHEREAS the Act Entitled an Act for Encouragement of Whaling Passed in the Seventh Year of the reign of QUEEN



ANN and by Several Subsequent Acts continued until the first of December next will then expire, And the Same being found Beneficial, BE IT ENACTED by his Excellency the Governor the Council and the General Assembly, & it is hereby Enacted by the Authority of the Same, That the aforesaid Act Entitled an Act for Encouragement of Whaling, Shall be & hereby is continued And every Article Matter, Clause, & Thing therein contained, Enacted, To be remain and continue in full Force and virtue after the said first Day of December next, To all Intents constructions & Purposes whatsoever.

[CHAPTER 883.]

[Chapter 883 of Livingston & Smith, where the act is printed in full. Chapter 883 of Van Schaack, where the title only is printed. See chapter 737. Continued by chapter 1137.]

An Act to Continue an Act Entituled an Act to Prevent the Penning & folding of Sheep & Neat Cattle feeding on Hamstead Plains.

[Passed, November 24, 1750.]

WHEREAS an Act Entituled an Act to prevent the Penning and folding of Sheep & neat Cattle feeding on Hamstead Plains passed in the Seventh Year of his present Majesty's Reign Expired by its own Limitation, And by one other Act Passed in the Sixteenth year of his present Majesty's Reign Revived & Enacted to continue of Force until the first day of December next, will then expire And the said Act having been found beneficial.

BE IT ENACTED by his Excellency the Governor the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same That the Said above mentioned Act, Entituled an Act to prevent the Penning & folding of Sheep & neat Cattle feeding on Hamstead Plains, Shall be & hereby is Continued and every Clause Article Matter and Thing therein contained Enacted to be of full Force & Virtue to all Intents constructions & Purposes whatsoever from the Said first Day of December next until the first Day of December which will be in the Year of our Lord one Thousand Seven Hundred & Sixty

## [CHAPTER 884.]

[Chapter 884 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 753. Expired January 1, 1751. Provided for by chapter 1287.]

An Act to Continue an Act Entituled an Act for the better Clearing and further Laying out Publick High Roads in the County of Ulster.

[Passed, November 24, 1750.]

BE IT ENACTED by his Excellency the Governor, Council & General Assembly, and it is hereby Enacted by the Authority of the Same, That the act Entituled an Act for the better Clearing & further Laying out Publick high Roads in the County of Ulster Passed in the Seventeenth Year of his present Majesties Reign, Shall remain Continue and be of Force until the first day of January which will be in the Year of our Lord one Thousand Seven Hundred and Fifty one.

## [CHAPTER 885.]

[Chapter 885 of Livingston & Smith, where the act is printed in full. Chapter 885 of Van Schaack, where the title only is printed. Expired January 1, 1760. Provided for by chapter 1551.]

An Act, for the better Clearing Regulating and further Laying out Publick High Roads in the City & County of Albany.

[Passed, November 24, 1750.]

ALTHOUGH all or most of the Publick High Ways are already Laid out & ascertained in the City and County of Albany, it may nevertheless be necessary to Lay out Some other High Roads in the said City & County for the conveniency of Carriages and Travellers.

BE IT THEREFORE Enacted by his Excellency the Governor, the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That all Acts relating to the Clearing & further or better Laying out of High Ways so far as They relate to the City & County of Albany Shall be & hereby are Repealed and made Null & Void to all Intents Constructions & Purposes whatsoever, And that from & after the Publication & During the Continuance of this Act, The Persons herein after Named Shall be & hereby are appointed Commissioners to Regulate High Ways and to Lay out Such other Publick Roads



as may be Still necessary within the said City & county, and They & each of Them are hereby fully Authorized and Impowered to put in Execution the Several Services Intended by this Act, in Such Towns Mannors & Places only for which They Shall be respectively named and Appointed, That is to Say.

FOR the Mannor of Livingston from the Southermost Bounds thereof unto the Bounds of Claverack in the said County, Robert Livingston Jun'r Lendert Conyn and Derik Ten Broeck.

FOR Claverack from the Southermost Bounds thereof, to the Bounds of Kinderhook, John Van Renselaer, Henry Renselaer and Casparus Conyn.

FOR Kinderhook in the said County from the Southermost Bounds thereof Thr'o the Woods to Green Bush, Including all the Inhabitants along the Road, although They belong to the Mannor of Renselaer Wyck Cornelius Van Schack, Tobias Van Burren & Barrent Van Burren

FOR the East Side of the Mannor of Renselaer Wyck to and from the Southermost Inhabitants of Schotack to Green Bush aforesaid along the River Side Jacobus Van Renselaer Hendrick Beekman & Jacob Schermerhoren.

FOR Schagkook to the House of Cornelius Van Nes, at the half Moon, Johannes De Wandelaer, Peter Beneway & Harme Knickerbacker.

FOR Saraghtoga on the West Side of the River to the House of Jacob Fort, Waldron Clut, Gerrit De Ridder & Killian De Ridder.

FROM the half Moon & the North part of the Mannor of Renselaer Wyck, To the City of Albany, Gurt Van Schonhove Philip Schuyler, and Wynant Van Den Bergh.

FROM Sayers Creek being the Southermost Bounds of the County of Albany, on the West Side of Hudsons River to the Southermost Bounds of the Mannor of Renselaer Wyck, Jacob Ten Broeck, Benjamin De Bois, & Petrus Van Beregon.

FROM the Southermost Bounds of the Mannor of Renselaer Wyck on the West Side of Hudsons River to the Bounds of the City of Albany, Renselaer Nicol, John Barclay, and Gerrit Van Den Bergh.

FOR the Road which Leads from the City of Albany to Scheugetade unto the first Sandy Hill, being about Two Miles from the said City The Mayor, Recorder & Aldermen of the said City for the Time being

FROM the Township of Schenegtade as far as the Said Township Extends and the Roads which Lead to Albany, To the said first Sandy Hill, Jacob Glen, Jacobus Van Slyck, Jan Barentsewyp, Johaness Arentse Bradt, and Joseph Yetts Jun'r.

FROM Cannistigeone to the Mills at the Mannor House of Stephen Van Renselaer Deceased, Samuel Cryger, Cornelius Tymese, & Nicholas Vissor

FROM Niskutha to the North Side of Normans Kill Johannis Slyngerlandt, Gerret Van Allen & Harmen Van Der See

FROM Schoherie to the Schenegtade Road Johaness Lawyer, Jacobus Van Dyck and Johannes Scheffer Jun'r

FROM TOWERJONE being the Westernmost Bounds of the Township of Schenegtade so along both Sides of the River to Kaghnowage Creek, William Johnson Harma Visser & Barant Vroman

FROM the Said Kaghnowage Creek for both Sides of the River so far as the Christian Settlements now are or hereafter Shall be Settled Johan Jurygh Kast Jun'r Markus Petrie Hendrick felling, Harmanus Van Slyck and cornelius Smith.

FROM a Place called Stone Rabie, To a Creek called Canidaec Creek William Brower Nicholas Kapernol and Sufarinus Tyger.

FROM Hossick to the House of Jacob Vander Hyde, John Batist Van Renselaer Cornelius Hugg & Samuel Burns.

FROM Sincklaick to the Farm of Dirck Vander Hyden, Gerrit Van Ness Jun'r Evert Wendell and Johannis Becker.

WHICH said Commissioners in Each district or the Major part of Them Shall have full Power & authority to apportion, Lay out & Fix how far each Precinct or Neighbourhood, Shall repair & amend the Said High Ways where they are to begin & where to Leave off.

AND be it Enacted by the Authority aforesaid That the Commissioners or the Major part of them in the respective Places for which They are named and appointed Commissioners, are hereby Impowered & authorized to Regulate the Roads already laid out, & Lay out Such other Publick Roads in the Several Places for which They are appointed Commissioners, as to Them or the Major part of Them Shall Seem necessary & convenient, & if need be, To take a Review of the Roads already Laid out, & Such of Them as appear to be really Inconvenient the said Commissioners Shall & may alter the Same, PROVIDED all the commissioners appointed for the Place, Judge it absolutely necessary & to Lay out Such other Publick Ways &



Roads as They or the Major part of them Shall think most convenient, as well for Travellers as for the Inhabitants of the next Adjacent Towns Villages or Neighborhoods, PROVIDED also that nothing in this Act contained Shall extend or be construed to Impower the Commissioners aforesaid, To alter any Road that is already Commodious, or to Lay the Same through Enclosed or Improved Lands without Either the Consent of the owners thereof, or Paying to them the True Value of the Lands so laid into an high way: And if any Dispute Shall arise by that means, the Same Shall be Determined, and the true Value Set and appraised by two Justices of the Peace, and by the oaths of Twelve of the Principal Freeholders of the Neighborhood not having any Interest in the Lands about which Such a Dispute may arise, The Said Freeholders to be Summoned by any one of the Constables of Each respective Town Mannor or Precinct by Virtue of a Warrant to be Issued by the said two Justices for that Purpose

AND be it further Enacted by the Authority aforesaid That the Commissioners respectively of Every Town Mannor or Precinct, or any one of Them are hereby Empowered & Directed to order Such a number of the Inhabitants of each respective Town Mannor or Precinct aforesaid with their Sleds & Horses as They the said Commissioners or any one of Them Shall think Sufficient and Proper, To break up the Roads where deep Snows happen to fall, and if any Person or Persons being ordered as aforesaid, Shall refuse to break up the Said Road, Such Person or Persons Shall Forfeit the Sum of nine Shillings for every Day They shall so neglect or Refuse Said Service, To be Levied by the Constable in Each Town Mannor or Precinct by Distress and Sale of the offenders goods & Chattles, by Warrant from any one of the Commissioners for the respective Places for which they are hereby Appointed, returning the overplus of Such Sale to the owner or owners (if any there be) The constable to be first paid for his pains & Trouble out of the Distress, as is common in other Cases, and the said Forfeiture of nine Shillings Shall be applyed for Repairing the Publick Roads or High Ways within the Town Mannor or Precinct where Such Forfeiture Shall arise.

AND be it Enacted by the Authority aforesaid That all Waggons, Carts or other Carriage, which Shall be used in any of the High Ways in the County of Albany, Shall be so made, That the Square between the Rutt or Track which They Shall

make, Shall be from the Outside of the one Wheel To the outside of the other Wheel four foot & Ten Inches English measure and no more or no Less upon the Penalty of Twenty Shillings current money of this Colony, To be recovered before any of his Majesty's Justices of the Peace where the Fault Shall happen to be committed, at the Suit & to the Benefit of him or Them that Shall Inform and Sue for the Same.

AND be it further Enacted by the Same Authority, That if any Person or Persons within the said City & County, do or hereafter Shall without the consent of the Commissioners or the Major part of Them, for the Town, Mannor or Place for which They are by this Act appointed Commissioners, Alter, Stop up, or Lessen any high way or Road, That has heretofore been laid out by Former Commissioners according to Law, or Shall hereafter be Laid out by the Commissioners named in this Act, Such Person so offending contrary to the meaning of this Act, Shall for Every Such offence Forfeit the Sum of Five Pounds To be recovered before any Justice of the Peace upon the oath of any one credible witness & Levied by Warrant from any Justice of the Peace directed to the Constable of the Town Mannor or Precinct where Such offence Shall be committed, by Distraining the Goods & Chattles of the offender & the Said CONSTABLE after Six Days publick Notice given by him of the Time for Sale of Said Distress, Shall make Sale thereof, and out of the Produce Pay the Said Forfeiture & charges, and return the overplus (if any there be) To the owner or owners, which Said Forfeiture of Five Pounds Shall be applied by the Surveyors of the High Ways for & towards Repairing the Publick Roads or Bridges within the Precinct where Such Forfeitures Shall arise

AND be it further Enacted by the Authority aforesaid That if any common Publick Road or High Way, Shall be laid through any meadow ground or cornfields the breadth of the Said Road Shall be left to the Discretion of the commissioners or the Major part of Them for the Towns Mannors or Places where Such Road Shall Run as aforesaid PROVIDED Such Roads do not Exceed Twenty Foot.

AND be it further Enacted by the Said Authority That the Inhabitants of the respective Towns, Mannors or Precincts by & Through which any common Publick High Ways or Roads have or Shall Run, or be hereafter ascertained or laid out, Shall be and hereby are obliged to Clear & maintain the Same,



by cutting & Stubing up the Brush & Lopping of the Limbs of the Trees that hang over the Said Roads the breadth of Two Rods, and pulling up the Stones that can be moved & to carry Them out of the Road at least the Breadth of one Rod, and so often as They or any of Them Shall have notice from any one of the respective commissioners, Surveyors or overseers of the high Ways, for the Time being, They Shall in their Turns either by Themselves or by able Slaves or Servants, Clear, Level & amend the High Ways not Exceeding Six Days in the year, under the Penalty of Three Shillings for each Day every Person or Persons Shall neglect or refuse Such Service, To be Levied by the Constable in each Town Mannor or Precinct, by Distress & Sale of the offenders Goods & chattles by Warrants from the Surveyors or Overseers of the High Ways or any one of Them for the Time being, in each respective Town, Mannor or Precinct where Such offence Shall be committed, returning the overplus of Such Sale (if any be) To the owner or owners the Constable being first paid for his pains AND Trouble out of the Distress and Sale, as is usual in other Cases, PROVIDED always and it is hereby further Enacted by the authority aforesaid, That all Trees Standing or lying in any Persons Land through which any Common Publick high way or Road is or Shall be laid out be for the proper use of the owner or owners of the Same, But the said owners Shall not hinder the Publick from making use of so much Timber which is Standing or Lying on that Road, as will amend the Said highway or Bridges Runing thro that Land.

AND be it also Enacted by the Same Authority, That where any High Way from any Town or Neighborhood to any Mills, Meadows, Watering or common Landing Places Shall Run thro any Particular persons Ground, it Shall & may be Lawfull for any Such Person or Persons by & with the approbation of any Two Commissioners for Such Town Mannor or Place, To hang good Swinging Gates on Such High Ways, & keep Them in Repair at their own Costs, PROVIDED no Road leading unto or out of any Woods Plains or Commons where the Cattle belonging to any Town or Village usually pass Through to or from the common or Feeding grounds, be clogged or hindered by any Swinging Gates as aforesaid, Unless by the consent of the Major part of the Inhabitants of Such Town or Village, and the Several Gates already Standing & Allowed may or Shall be approved & continued or Altered as the Commissioners herein

respectively appointed Shall Judge most convenient, And the Same highway shall be amended & maintained by the Inhabitants only of Every Town, Mannor or Precinct where Such ways may Run.

AND be it further Enacted by the Same Authority, That in case any Person or Persons, Shall Stake or Shore open any Such Gate or Gates as aforesaid, or otherwise Ride over or Through any Lands, Meadow ground or corn fields to the damage of the owners thereof Such Person or Persons, Shall for every Such offence Forfeit the Sum of Twenty Shillings, To be recovered & applied by the Surveyors of the High Ways in each respective City Town Mannor or Precinct where Such offence Shall be committed, towards repairing the Publick High Ways or Roads, and Pay all Such Damages with the Costs, the owner of the Soil or Tenant Shall Suffer or Sustain thereby, as Shall be ordered & awarded by a Justice of the Peace residing nearest to the Place where Such offence Shall be committed, and the determination of Such Justice, Shall be FINAL and conclusive therein.

AND be it further Enacted by the Authority aforesaid, That if the overseers of the high ways & Roads Shall think fit and have occasion of any Team Cart or Waggon and a man to manage the Same, The said Team Cart or Waggon Shall be Esteemed to be in Lieu & instead of Two Days work of one Man and the Fine to be Proportionable That is Double to the Fine to be Imposed for the neglect of one Person, and Every working Man Shall be obliged to bring Such Tools, as Spades, axes Crows, Pick axes or other utensils as Shall be Directed by the overseers of the high Ways

AND be it further Enacted by the said Authority, That if any of the Commissioners herein appointed Shall Neglect, Refuse or Delay To put the Several Clauses in Execution which are mentioned & Expressed as their Duty in this Act, if thereunto required, or Shall happen to Die, or remove out of the Town Mannor or Places for which he or they are appointed Commissioners, It shall & may be Lawfull for the Justices of the Peace in the Sessions held for the Said County to appoint in his or their Stead, another Commissioner or Commissioners, in Such Place or Places, where Such Refusal Neglect, Death or Removal Shall so happen, and the Commissioner or Commissioners so appointed Shall be under the Same Restrictions and



have the Same Power Authority as those named and appointed by this act.

AND be it further Enacted by the Authority aforesaid That the Commissioners of Each respective Town, Mannor Place or Places for which they are respectively appointed, Shall from time to time during the Continuance of this Act, Enter in writting all the Highways or Roads by them Laid out, Altered or Stopt up, and Sign the same by putting their names thereto, and cause the Same to be Entered in the County Records by the Clerk of the Peace, who is hereby Directed and required to Record the Same, and whatsoever the said Commissioners Shall do according to the Powers given them in this Act, being so Entered in the County Records, shall be Deemed Valid and good to all Intents & Purposes whatsoever.

AND be it further Enacted by the Same Authority That Each Commissioner appointed or to be appointed by virtue of this Act, Shall have take and receive a Sum not Exceeding Three Shillings each Day as a REWARD for his or their care & Trouble in Laying out and Regulating the High Ways in the respective Towns Mannors & Places, for which they Severally are appointed, which said reward or Wages Shall be defrayed by such Person or Persons as shall require the Service of Such Commissioners.

AND it is hereby Provided, That if the Inhabitants of Oyatack who live to the Eastward of the Mannor of Livingston Shall use the Road that goes from the Eastward Bounds of the said Mannor, To the general Landing Place to Hudsons River, That they be obliged to help to maintain & keep the Said Road in repair as the inhabitants of Taghanick are obliged to do.

AND be it further Enacted by the authority aforesaid, That upon the ordering of any one or more of the Justices of the Peace, or any one or more of the commissioners within the Town Mannor or Precinct for which he or They are appointed as aforesaid, The Surveyors of the Town Mannor or Precinct, Shall within Eight Days thereafter, warn & Set to work the respective Inhabitants, To mend & repair the Kings Roads & Bridges, which by Law & custom, They are obliged to repair, and if the Surveyor or Surveyors Shall neglect or Refuse to warn & Set to work the Inhabitants as aforesaid, and See the Said Bridges & highways amended and Repaired, Such Surveyor or Surveyors, Shall for every Such neglect or Refusal, Forfeit & pay a Fine of Forty Shillings to be adjudged by and recovered before any one

Justice of the Peace of the Said County, upon the oath of any one witness, or on the view of Such Justice, or on the view of any one of the Commissioners within his or their District in the common & usual method, which fine Shall be applied towards repairing the said high ways or Roads, in Such Town Mannor or Precinct wherein the Fine did arise.

PROVIDED always and it is hereby Enacted by the Authority aforesaid, That where the Inhabitants of a Small Neighborhood or Plantation, Shall desire to have Publick Roads laid out, The Commissioners aforesaid, Shall not be allowed to Lay out Such and so many Roads as the said Inhabitants may be desirous to have, But only one Publick way leading from Such Neighborhood, To the nearest Publick or high road from whence They can Travel or Transport goods to other Towns or Landing Places; And where it Shall be necessary to Lay out a Road from one District as they are in this Act Joined to another District; the commissioners of both Towns mannors or Places are to meet & consult where Such Roads can be laid out in the best & Straightest manner, and to Lay out the Same accordingly, To the End such Roads may not only correspond with each other, But be laid & carryed on in the most convenient & SHORTEST manner the nature of the Land will allow.

AND WHEREAS the Inhabitants of the Township of Schenectade, have by long Experience found it very Prejudicial to make use of but one Road to the City of Albany both with Waggons & Sleds, which causes the said Road to be often out of repair & makes the Rutts thereof very Deep, so that its difficult to make use of it in winter with a Sled, To prevent which BE IT ENACTED by the authority aforesaid, That it shall & may be Lawfull for the commissioners appointed for the said Township, or the Major part of Them, and they are hereby required & Directed, to Lay out another Road from the Said Township, To the said City of Albany, on or before the first Day of December next, which said Road so laid out, Shall be made, cleared, mended & kept in repair in the Same manner as other High Ways & Roads are kept, which Road shall not be made use of with any Wheel Carriage.

AND to the End the good hereby Intended may not be Frustrated BE IT FURTHER ENACTED by the Same authority, That if any Person or Persons Shall presume to use the said Road with a Waggon or any other Wheel Carriage, He she or



They so offending, Shall Forfeit the Sum of Twenty Shillings for every Such offense, To be recovered before any one Justice of the Peace in the said county upon the oath of one Credible witness which Forfeitures Shall be applyed, one half to the repairing the said Road, and the other half for the use of the Informer.

THIS ACT to be in Force from the time of its Publication, until the first day of January which will be in the Year of our Lord, one Thousand Seven Hundred & Sixty.

[CHAPTER 886]

[Chapter 886 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 750.]

An Act to raise a Sum not Exceeding one Hundred & Thirty Pounds, for Finishing of the Court House & Goal in the County of Dutches & Defraying Such Charges as are already Laid out & Expended towards the Building of the Said Court House and Goal.

[Passed, November 24, 1750.]

WHEREAS the Justices of the Peace in Dutches County or the Greater Number of them by Virtue of an Act of the General Assembly passed in the Seventeenth year of his present Majestys Reign, Entituled an Act to Enable the Justices of the Peace in Dutches County, To build a Court House & Goal, or to Enlarge & repair the old one; and also by Virtue of one other act passed in the Nineteenth Year of his present Majestys Reign Entituled An Act To Finish & Compleat the Court House & Goal in Dutches County and for Defraying the other Charges therein Mentioned, Have Raised Levyed & Collected the Several Sums of money Mentioned & Intended to be Raised Levyed & collected in the Said Acts, And the Same having been Employed for & towards the Uses & Purposes therein mentioned, have nevertheless not been Sufficient for compleating & Finishing the Same.

BE IT THEREFORE ENACTED by his Excellency the Governor the Council & the General Assembly, and it is hereby Enacted by the authority of the Same, That it Shall & may be Lawfull, To and for the Justices of the Peace or the greater Number of Them of the Said County, at any Time after the Publication of this Act, To raise Levy & Collect of from & upon all and Every Freeholder Inhabitant & Sojourner within

the Said County, A Sum not Exceeding one Hundred & Thirty Pounds for Finishing the Said Court House & Goal, and the Monies so to be raised, Shall be assessed Levyed & Collected in the Same manner & Method, and be under the Same regulations & Restrictions as were Enacted ordered & Directed in & by the aforesaid Acts, in as full Large & ample manner, To all Intents Constructions & Purposes whatsoever as if the Same had been particularly mentioned & Inserted in this Act

AND BE IT FURTHER ENACTED by the Authority aforesaid That the Money so to be raised Levyed & Collected by virtue of this Act, Shall be paid by the Several & respective Collectors into the hands of Henry Livingston Esq'r as manager thereof, or to Such other Person as the Majority of the Justices Shall appoint, in case the Said manager Shall Die Remove out of the County, or Refuse Such Service on or before the Second Tuesday in May next after the Same Shall be so Raised Levyed & Collected as aforesaid, & by him respectively to be Employed and paid for Such Materials & Workmanship as have been used & done for the Purposes aforesaid over & above what the Several Sums of money already Raised for that Purpose have been Sufficient to answer And to apply the Remaining Sum toward the further Completion thereof, and of the Due Disposition, of the said Sum of one Hundred & Thirty Pounds the Said Manager Shall Render an Accompt upon oath when thereunto required by the Said Justices or the greatest Number of Them, how the Same hath been Employed & Disposed off.

[CHAPTER 887.]

[Chapter 887 of Livingston & Smith and Van Schaack, where the act is printed in full. See chapter 3.]

An Act for Regulating Fences for the  
Several Cities and Counties within this Colony  
of New York.

[Passed, November 24, 1750.]

WHEREAS the respective Cities and Counties within this Colony of New York, are so Circumstanc'd as to have different & distinct ways in the Improvement of Tillage & Pasturage of their Lands, gardens, orchards & Meadows, and that it is altogether necessary that the said respective Counties, Cities, Towns, Districts and Mannors may be made capable in the Law to make Prudential Rules, orders, and Directions for the making amending & maintaining their Customary Circular and Partition Fences.



BE IT THEREFORE ENACTED by the Governor, Council & General Assembly & by the Authority of the Same, That, the Freeholders of Every Town Mannor & Precinct within Each City & County within this Colony, are hereby Impowered Annually after the Publication of this Act, To meet and assemble Themselves Together at Such Times & Places as Shall be appointed and Directed under the hands and Seals of any two of his Majesty's Justices of the Peace, or at their annual Meetings, in which Meetings the said Freeholders are by this Act Impowered by the Majority of Votes, To make & Establish such Prudential orders, Rules & Directions for the making maintaining & amending of their accustomed Partition & Circular Fences for their Lands, Gardens, orchards & Meadows, as They Shall Judge most proper & convenient, and also to make Such Prudential orders Rules & Directions for Impounding of all manner of Cattle or Creatures as They Shall Judge most proper & convenient, which orders, Rules and Directions So made as aforesaid, being Entered upon the Publick Register of Such City, Town, Mannor, Precinct or County Shall remain & be of full Force until the Several and respective Freeholders Shall think fit by the like Majority of Votes to alter all or any part of the aforesaid orders, Rules & Directions so made as aforesaid, which Alteration and Alterations from Time to time being likewise Entered upon the Register as aforesaid, Shall continue & remain in full Force until the Same be new made and Altered as aforesaid.

AND WHEREAS the Freeholders and Tenants in Possession in Some of The Cities & Counties of this Colony, are Accustomed to make Circular Fences for the Surrounding of their Lands & Meadows They manure, Either in Tillage or Pasturage by which means great quantity's of Lands & Meadows are Surrounded by the said Circular Fence; and those who have Lands & Meadows, within the said Circular Fence have Such their Lands & Meadows Secur'd by the said Fence without Contributing their Proportion towards paying the Charge of the said Fence; To the End the Same may be Remedied for the future.

BE IT FURTHER ENACTED by the Same Authority. That if any Lands or Meadows Shall lie within any Circular Fence, except where any Town within this Colony have already agreed to the Contrary, The owner or Possessor thereof Shall in Proportion, to the Quantity of Lands & Meddow they have within the Said Fence, pay & contribute to making and maintaining the

said Fence, and if any Person or Persons, Shall deny, neglect or refuse to Pay make & maintain, or contribute his or their Proportion to the making the Said Circular Fence as aforesaid, Then it Shall and may be Lawfull for any Two Justices of the Peace of the Said County Residing near where Such default Shall happen, upon view of the said defect, To assess the Proportion of the Said Fence due & Payable as aforesaid, and Levy the Same by Warrant under their Hands & Seals Directed to the Constable of the Towns, Mannors or Precincts where Such default Shall happen, Upon the Goods & Chattles of him or them who Shall so have Lands or Meadows within the Said Circular Fence, and hath not contributed or paid Towards making the Same, To be applyed to the making of the Said Circular Fence, returning the overplus if any be the Charge of Distress and Sale being first Deducted.

BE IT FURTHER Enacted by the authority aforesaid, That where any Person or Persons already have or hereafter Shall Set his or their Fence in the Partition Line of Lands & Meadows between him & Them or his or their Neighbor or Neighbors, they Shall make & maintain the Division Fence equally between Them, except any Person be willing to let his Land or Meadow Lie Vacant for Common feeding; and if either of Them refuse or Neglect So to do, then Such Person or Persons so neglecting or Refusing to make and MAINTAIN the Division Fence, Shall pay all Damage that Shall accrue to his Neighbor by Such neglect, To be approved by the viewers of the Fence, or any two of Them, who Shall be first Duly Sworn, That they will Truely & without any Favor or Partiality appraise the True & real Value of Such Damage, according to the best of their Knowledge Skill & Judgment, and the Said Damage so Valued as aforesaid, Shall be Levyed on the Goods & chattles of the Party or Party's so Refusing as aforesaid with all other charges accruing by the Same, by Execution directed to the Constable under the Hand & Seal of one of his Majesty's Justices of the Peace, returning the overplus if any there be, and in case the Party so neglecting or Refusing to make his Proportion of the Said Partition Fence, Shall continue Such Neglect or refusal for the Space of Four Months after Notice given him to make his Proportion of the Said Fence, Then & in Such Case it shall be Lawfull for the Party Injured & agriev'd thereby to make all the said Fence at the Expence of the Party so Neglecting or Refusing, For which said Expence & Cost arising on the Re-



covery thereof, he Shall have the Like Remedy as is herein before appointed in the Cases of Circular Fences, any thing herein before contain'd to the contrary notwithstanding, And in case any Person or Persons who have made their Proportion of Partition Fences, Shall afterwards conclude to throw up his or their said Lands for common Feeding, He she or They Shall be & hereby are obliged to give Three Months Notice thereof to the Person or Persons concern'd with him Her or Them in the said Partition Fence of Such his Her or their design & Intention, and in Case he she or They Shall neglect giving Such Notice, & Shall remove his her or their Fence or Fences without Such Notice, he she or they Shall be Lyable to make good all Such Damage as the Party Injur'd and agriev'd by Such Removal Shall Sustain thereby.

AND be it further Enacted by the Authority aforesaid That the Several and respective Freeholders within Each Town, Mannor or Precinct, are at the Time of their Annual Meetings yearly & Every Year appointed by this Act, hereby Impowered to make choice of so many, Sufficient able & discreet Persons as they shall THINK necessary to be Viewers, Overseers and Judges for the Ensuing Year, of all and Every their respective Fences within each Town, Mannor & Precinct for which they are chosen & Elected to be Viewers or overseers; and all or any of the overseers & Viewers of Fences, so chosen as aforesaid, That Shall Deny or refuse to Perform the Duties & Services by him or them to be done & Performed, Pursuant to the True Intent & meaning of this Act, all & every Such Person or Persons so Denying & Refusing Shall Forfeit & pay the Sum of Five Pounds, current Money of this Colony, To be recovered in the court of common Pleas in the City or County where Such Refusal or Denial Shall happen to be made, which Said Forfeiture Shall be applyed to the Defraying the Publick charge of the Said Cities, Towns, Mannors & Precincts & Counties respectively.

AND be it further Enacted by the Authority aforesaid, That it shall & may be Lawfull for the Mayors, Aldermen & Commonalties of the Cities & Counties of New York and Albany & Burrough of Westchester, for the Time being in common Council conven'd, To make further orders Rules and Directions for the making, amending & maintaining the Partition Fences between the Freeholders & Tenants in Possession of the Several & respective Lots, Gardens, Fields and orchards within their Several & respective Jurisdictions, as They shall Judge most Proper

and convenient, and to Impose from Time to time, Such Fines not Exceeding the Sum of Twenty Shillings, on the Person or Persons Denying, neglecting or Refusing to obey Such orders Rules and Directions So to be made by them respectively, as they Shall think convenient.

AND be it further Enacted by the Authority aforesaid, That every Town, Mannor or Precinct Shall have & make a sufficient Pound or Pounds at Such convenient Place in Each respective City, Town, Mannor or Precincts, as Shall be ordered & Directed by two Justices of the Peace of that County, in order to Secure unruly Cattle or Creatures, till Such Time Satisfaction be made, or Secured to be made to the Person or Persons agrieved, which Pound or Pounds are to be made at the Charge of Each respective Town, Mannor or Precinct, and if any Person Deny refuse or neglect to pay their Proportion of the Charge of SUCH Pound or Pounds as Shall be Assessed by the Chosen Assessors for that Year, any one Justice of the Peace of that County Shall Issue his Warrant to the Constable to Destrain upon Such Persons Goods and chattles to Satisfy the Same, returning the overplus (if any there be) to the owner.

AND be it further Enacted by the Authority aforesaid, That where any of the aforesaid Towns Mannors or Precincts have Lands or Meadows which they use in Common among them in Tillage, Pasturage or Mowing, They Shall be and hereby are Enabled at Such Meetings as aforesaid, to make Such prudential orders Rules & Regulations with respect to Such of their Lands & Meadows, and to impose Such Penalty's on the offenders against the Said orders Rules & Regulations not Exceeding Twenty Shillings for Each offence, as the Majority of the Freeholders in the said Towns Mannors or Precincts respectively, having right in the said common Lands, Shall from Time to time Judge Necessary, which said orders Rules & Regulations being Entered on the Publick Registers of Such Towns Mannors or Precincts, Shall be & remain good & Valid to all Intents constructions & Purposes until They Shall be Altered or Declared Void by the Majority of the Said Freeholders.

AND be it further Enacted by the Authority aforesaid That the Freeholders in the said respective Towns, Mannors & Precincts when so Assembled as aforesaid Shall be & hereby are Impowered & Enabled to Elect & make Choice of one or more Person or Persons to Demand Sue for & receive all the Penalties & Forfeitures which shall be Incur'd by the Breach of the Said orders Rules & Regulations within the respective Districts for



which They shall be so chosen, which said Penalties & Forfeitures so Recovered, Shall be applied to Such Uses as the Majority of the said Freeholders in the said respective Towns Mannors and Districts Shall order & Direct.

[CHAPTER 888.]

[Chapter 888 of Livingston & Smith, where the act is printed in full. Chapter 888 of Van Schaack, where the title only is printed. See chapters 575, 686, & 795. Revived by chapter 1011.]

An Act to Continue the Several Acts therein Mentioned.

[Passed, November 24, 1750.]

WHEREAS the Act Entituled an Act for the better Clearing Regulating & further laying out Publick High Ways in the County of Suffolk passed in the Sixth year of his present Majestys Reign and the Act Entituled an Act to continue an Act Entituled an Act for the better Clearing Regulating & further Laying out publick High Ways in the County of Suffolk with Some Additions thereto passed in the Thirteenth Year of his said Majesty's Reign, and also the act Entituled an Act to amend an Act Entituled an act for the better Clearing Regulating & further Laying out publick High Ways in the County of Suffolk, passed in the nineteenth Year of his said Majesty's Reign, will all expire on the first Day of December next, and the Same having been found Usefull, BE IT THEREFORE Enacted by his Excellency the Governor, the Council & the General Assembly, and it is hereby Enacted by the authority of the Same, That the above mentioned Acts & Every the Clauses Articles Matters & Things in the Same Acts contained from the said first day of December next, Shall be continued & remain in full Force & virtue to all Intents Constructions & Purposes whatsoever until the first day of January which will be in the Year of our Lord one Thousand Seven Hundred & Fifty five.

[CHAPTER 889.]

[Chapter 889 of Livingston & Smith, where the act is printed in full. Chapter 889 of Van Schaack, where the title only is printed. See chapter 800. Expired January 1, 1755. Provided by chapter 1005.]

An Act further to continue an Act Entituled an Act to Encourage the destroying of Wild Cats in the County of Suffolk.

[Passed, November 24, 1750.]

BE IT ENACTED by his Excellency the Governor the Council & the General Assembly, and it is hereby Enacted by

the authority of the Same, That the Act Entituled an Act to Encourage the Destroying of Wild Cats in the County of Suffolk passed in the Fifteenth Year of his present Majesties Reign, Shall be and hereby is continued from the first day of December next unto the first day of January which will be in the year one Thousand Seven Hundred & Fifty five.

[CHAPTER 890.]

[Chapter 890 of Livingston & Smith, where the act is printed in full. Chapter 890 of Van Schaack, where the title only is printed. Continued by chapter 1109. Expired January 1, 1760. Provided for by chapter 1411.]

An Act to Encourage the Destroying of Wolves in the County of Albany.

[Passed, November 24, 1750.]

WHEREAS the giving of an Encouragement for the Destroying of Wolves within the County of Albany has by Experience been found beneficial to the Freeholders & Inhabitants of the Said county.

BE IT therefore Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That from & after the Publication of this Act, and During the Continuance thereof, Every Person whether a Christian or Slave, who Shall kill or Destroy a Wolf or its Whelp in the County of Albany, Shall have & receive the Reward following, That is to Say, For every grown Wolf the Sum of Eight Shillings, and for every Wolf under the age of one year, the Sum of Six Shillings, And that every native free Indian, Shall have and Receive one half of the said Reward for Wolves Killed & Destroyed by Them.

AND to the End the Reward above Mentioned may be truly Paid & Discharged BE IT ENACTED by the Authority aforesaid, That the Person or Persons killing or Destroying a Wolf or Wolves, & carrying the Head or Heads thereof with the Intire Skin thereon within Three Days after killing the Same, to a Justice of the Peace residing in the said County, The said Justice Shall & hereby is obliged thereupon to give a Certificate thereof Gratis, and to mention therein the name or names of the Person or Persons that killed Such Wolf or Wolves, the Time when, and to Distingaish whether the Same were full grown or under the age of one Year, after which the Ears of the



Wolf or Wolves so certify'd, are to be cut off in the presence of the said Justice, and Such Certificate being Produced to the Supervizors of the said County, the SAID Supervizors Shall & hereby are obliged at Their Annual Meetings to order the Treasurer of the Said county, to Pay unto the Person or Persons who so killed or Destroyed the Same, or to his or their assigns, the Reward allowed and Established by this Act, and the said Reward Shall be a County charge, and Raised Together with the other Necessary and Contingent Charges of the said County.

THIS ACT Shall be of Force from the Publication thereof Until the first Day of January one Thousand Seven Hundred & Sixty.

[CHAPTER 891.]

[Chapter 891 of Livingston & Smith, where the act is printed in full. Chapter 891 of Van Schaack, where the title only is printed. See chapter 809.]

An Act to Revive an Act Entituled an Act,  
to prevent Damages by Swine in Dutches  
County.

[Passed, November 24, 1750.]

BE IT ENACTED by his Excellency the Governor Council and General Assembly, And it is hereby Enacted by the Authority of the Same, That an Act Entituled an Act, To prevent Damages by swine in Dutches County, Passed in the Nineteenth Year of his Majesty's Reign, Expired by its own Limitation, Shall be and hereby is Revived, and Every Clause, Article and Thing therein contained Enacted to be & remain of full Force and Virtue to all Intents constructions and Purposes whatsoever until the first Day of January which will be in the Year of our Lord, one Thousand Seven Hundred & Sixty.

[CHAPTER 892.]

[Chapter 892 of Livingston & Smith, where the act is printed in full. Chapter 892 of Van Schaack, where the title only is printed. See chapter 172. Repealed and provided for by chapter 1075.]

An Act to prevent Killing of Deer.

[Passed, November 24, 1750.]

BE IT ENACTED by his Excellency the Governor, the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That if any Person or Persons, after the first day of December next, Shall Kill or Destroy any Wild

Buck, Doe or Fawn, or any other Sort of Deer whatsoever at any Time in the Months of January, February, March, April, May or June, Every Such Person Shall for Every Such offence, Forfeit & Pay the Sum of Forty Shillings for every Such Buck, Doe or Fawn or other Deer so Killed or Destroyed as aforesaid, contrary to the true Intent & meaning of this Act, To Him or Her who Shall inform & Sue for the Same, before any one Justice of the Peace in Such County where the offence Shall be Committed, who is hereby impowered and required to hear and determine the Same, & to convict the offender or offenders by the oath or affirmation of one or more Credible Witnesses, Provided that Such conviction be made within two Months after Such offence be committed.

AND for the better convicting of offenders against this Act BE IT ENACTED by the authority aforesaid, That Every Person in whose Custody Shall be found, or who Shall expose to Sale, any green Deer Skins, Fresh Venison or Deers flesh, at any time in any of the Months afore mentioned, And shall be convicted thereof as aforesaid, Shall be deemed guilty of the said offence.

THIS ACT to continue and remain of Force until the first day of January which will be in the Year of our Lord, one Thousand Seven Hundred & Sixty.

#### [CHAPTER 893.]

[Chapter 893 of Livingston & Smith, where the act is printed in full. Chapter 893 of Van Schaack, where the title only is printed. See chapter 679, which is revived by chapter 1125.]

An Act to revive an Act Entituled an Act to Impower the Justices of the Peace in the County of Albany, Living or Dwelling in the Town of Schenegtady in the said County, to regulate the Streets & High Ways, & to prevent Accidents by Fire in the said Town.

[Passed, November 24, 1750.]

WHEREAS an Act Entituled an Act to Impower the Justices of the Peace in the County of Albany, Living or Dwelling in the Town of Schenegtady in the said County, to Regulate the Streets and High Ways & to prevent Accidents by fire in the said Town, passed in the Thirteenth Year of his Late Majesty's Reign has by Several Subsequent Acts been continued until the first day



of December one Thousand Seven Hundred & Forty four, and the Act having been found by Experience to be very usefull & Beneficial in the said Town.

BE IT THEREFORE Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above mentioned Act, Entituled an Act, to Impower the Justices of the Peace in the County of Albany, Living or Dwelling in the Town of Schenectady in the Said County to Regulate the Streets & High Ways; and to prevent accidents by Fire in the said Town, Shall be and hereby is Revived, and every Clause, Article & Thing therein contained, to be and remain of Force from the Publication hereof, until the first day of January which will be in the year of our Lord one Thousand Seven Hundred and Sixty.

#### [CHAPTER 894.]

[Chapter 894 of Livingston & Smith and Van Schaack, where the act is printed in full. See chapter 27.]

An Act Impowering the Judges Justices & Clerk of the Court of Common Pleas for Orange County, To take the Probate of Wills and to grant Letters of administration.

[Passed, November 24, 1750.]

WHEREAS by an Act of the General Assembly passed in the fourth Year of the Reign of their Late Majesty's KING WILLIAM & QUEEN MARY Entituled an Act for the Supervising Intestate Estates & Regulating the Probate of Wills, And granting of Letters of Administration, It was Enacted among other Things in the same act mentioned, That the Courts of Common pleas for the Several Remote Counties, From New York Should be impowered & Authorized to take the Examination of Witnesses to any Will within the respective counties upon oath, And to Grant Letters of Administration as by the said Act at Large doth appear, AND WHEREAS the County of orange was not then considered & Esteemed one of the remote Counties, but Since the Passing of the said Act, the Northwest parts of the said County of orange being near one Hundred Miles distance from the City of New York hath Encreased greatly in Number of Inhabitants, as well by Familys Removing to those Parts as otherwise, who now Labour under the Like In-

conveniencies as those of the said remote Counties did before the Remedy provided by the aforesaid Act

BE IT THEREFORE ENACTED by the Governor the Council & the General Assembly & it is hereby Enacted by the Authority of the Same, That from & after the Publication of this Act, The court of common Pleas for the county of orange, And the Judges & Justices in the Times of the Vacations of the said Court of Common Pleas & the Clerk of the Same County Shall have & hereby are vested with the like Power & authority, To take the Examination of any Witnesses to Wills upon oath within the said County, and to grant Letters of Administration in like manner & Form and to act do & perform Touching & concerning the Same, as fully & amply to all Intents, Purposes & constructions as the said Courts of common Pleas, and the said Judges Justices & Clerks of the Courts of the said remote Counties, have by Virtue of the aforesaid Act, any thing contained in the Said Act to the contrary hereof notwithstanding.

[CHAPTER 895.]

[Chapter 895 of Livingston & Smith, where the act is printed in full. Chapter 895 of Van Schaack, where the title only is printed. See chapters 764 & 873. Continued by chapter 927.]

An Act to Continue the Two Acts therein  
Mentioned for Supporting the Garrison and  
Trading House at Oswego.

[Passed, November 24, 1750.]

WHEREAS an Act Entituled an Act to Support the Garrison & Trading House at Oswego Passed in the Eighteenth Year of his present Majesties Reign, as also one other Act Entituled an Act further to Continue an Act Entituled an Act, To Support the Garrison and Trading House at Oswego with Some additions thereto Passed in the Twenty Second year of his Majesties Reign will expire the first day of January next, and for as much as it is necessary to Support the Garrison and Trading House there.

BE IT ENACTED by his Excellency the Governor, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Two Acts above Mentioned, Shall be and hereby are Continued, and every Clause, Article, Matter & Thing in the said Two Acts contained, Enacted to be and remain in full Force and Virtue, To all Intents, construc-



tions & Purposes whatsoever, From the said first Day of January Next, Until the first Day of January which will be in the Year of our Lord one Thousand Seven Hundred and Fifty two.

PROVIDED always and be it Enacted by the Authority aforesaid, That whereas Gerrit Cornelius Van Denbergh one of the Commissioners for collecting the Duties Laid by the aforesaid Act or Acts, is Removed from Albany, John Bleeker & Peter Schuyler Jun'r Shall be and hereby are appointed Commissioners (with John Depeyster in the first Act aforesaid mentioned), To Collect the said Duties in the Room & Stead of the aforesaid Gerrit Cornelius Van Denbergh, and they the said John Bleeker & Peter Schuyler Jun'r (with the Said John Depeyster) Shall be and hereby are Vested, with as full Power & Authority to Exercise the office of Commissioners of the said Duties, and Shall be Subject to the like Rules and Directions, Take the like oaths, Enter into the like Recognizance and be Entitled to the like Rewards, as if They had been actually named and appointed in the said act first above mentioned, any Thing therein contained to the contrary notwithstanding.

AND be it further Enacted by the authority aforesaid That all Indian Goods & Merchandize whatsoever Subject to a Duty by the aforesaid Act, Sold in the City & County of Albany, To any other Person or Persons whatsoever, then Such as are Inhabitants of the County of Albany for their own Familys use, Shall be & hereby are made Liable and Subject to the Same Duties, as if Sold to Indians, and all Goods and Merchandize whatsoever carry'd to Oswego for Trade, if Sold there or Delivered on the Way Thither, or in returning back from Thence, To any Person or Persons whatsoever, Shall be & hereby are made Liable & Subject to the Same Duties as if Sold to Indians, and the commissioners for Collecting & Receiving the Duties of Goods Sold to Indians pursuant to the Provisions made in the first mentioned Act, Shall be and hereby are Impowered and required to collect the said Duties, and Shall be and hereby are Vested with like Powers and authorities for Collecting the said Duties, as They are by the aforesaid Act vested with, for Collecting & receiving the Duties Laid on Goods Sold to Indians, any Thing in the aforesaid Act to the Contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid That the Commissioners for collecting the Duties impos'd in and by the aforesaid Act, Shall be & hereby are Enabled & made Capable in their own Name or Names, to Sue for and Recover the

Penalty of Fifty Pounds, laid in & by the Said first mentioned ACT on every Person Suspected of carrying or Selling Goods Subject to Duty by the aforesaid Act, without Entering the Same as Directed by the said Act, who being Summoned to appear, or appearing Refuses to Swear & give an Account as directed by the aforesaid Act, and the Penalty and Penalty's so recovered, They the said commissioners, Shall apply toward the Charge of Supporting the said Garrison and Trading House at Oswego, and Shall of Such their application, give a true & Just Account on oath to the Governor or Commander in Chief for the Time being to the Council or General Assembly when by them or any of them thereunto Required any Thing in the aforesaid Act to the Contrary hereof Notwithstanding

AND be it further Enacted by the authority aforesaid That all and every the Person and Persons who Practice the conveying and Carrying of Goods across any of the Carrying Places leading to the Trading House at Oswego, All and every Such Person and Persons Shall keep the Roads across the said carrying Places in good & Sufficient order & Repair, and upon complaint made of the Insufficiency of the said Road by any Person or Persons to a Justice of the Peace living nearest to the Said Road, the said Justice of the Peace Shall and hereby is Impowered & required so often as he Shall Judge it necessary, to order and Direct all the said Persons using the Said Roads, to put them in good & Sufficient order, And every Such Person so using the said Roads, who being duly warned by order from the said Justice, Shall neglect or Refuse to do his or their Parts towards keeping the said Road in Repair, He or They Shall respectively Forfeit for Every Such neglect or Refusal the Sum of Thirty Shillings, To be Levied by Distress and Sale of his or their Goods & chattles by order from the said Justice of Peace directed to Such Person, as he shall think proper to appoint for that Purpose, which Penalties or Forfeitures so Levied, Shall be applied by the said Justice towards keeping the SAID Roads in good and Sufficient Repair.

AND WHEREAS Johan Jost Petree has Undertaken to Furnish the said Garrison with Provisions in the Room & Stead of Colonel William Johnson late Contractor, BE IT ENACTED by the Authority aforesaid That the said Johan Jost Petree Shall be and hereby is obliged to Furnish the Said Garrison with Provisions in the manner directed in the aforesaid Act, for the Contractors therein named to Perform, Shall Enter into the like



Recognizances And Shall be Entitled to the like Allowances for the Same, as if he had been Actually named & appointed in the said Act, any Thing therein contained to the contrary notwithstanding.

[CHAPTER 896.]

[Chapter 896 of Livingston & Smith, where the act is printed in full. Chapter 896 of Van Schaack, where the title only is printed. See chapter 754.]

An Act to Continue an Act Entitled an Act for the better Relief of the poor in Dutches County.

[Passed, November 24, 1750.]

WHEREAS an Act Entitled an Act for the better Relief of the Poor in Dutches County Passed in the Seventeenth Year of his present Majesties Reign will Expire by its own Limitation the Twenty fifth Day of December in this present Year of our Lord one Thousand Seven Hundred & Fifty, and the said Act having by Experience been found to be very Beneficial to the said County.

BE IT THEREFORE ENACTED by the Governor Council & General Assembly, and it is hereby Enacted by the Authority of the Same, That the above mentioned Act, Shall be and hereby is continued, until the Twenty fifth Day of January which will be in the Year of our Lord one Thousand Seven Hundred & Sixty.

[CHAPTER 897.]

[Chapter 897 of Livingston & Smith, where the act is printed in full. Chapter 879 of Van Schaack, where the title only is printed. See chapter 768. This act continues chapter 745 to the third Tuesday in April, 1757, and chapters 666 & 667 to the third Tuesday in April, 1760.]

An Act further to Prolong the Currency of the Bills of Credit emitted by Virtue of an Act, Entitled an Act for Emitting Bills of Credit for the Payment of the Debts and for the better Support of the Government of this Colony and other Purposes therein mentioned.

[Passed, November 24, 1750.]

WHEREAS an Act Entitled an Act for emitting Bills of Credit for the Payment of the Debts & for the better Support of the Government of this Colony, and other Purposes therein mentioned passed in the Eleventh Year of his Majesties Reign

Was by a Subsequent Act passed in the Seventeenth Year of his Majesties Reign been prolong'd & continued until the third Tuesday in the Month of April which will be in the year of our Lord one Thousand Seven Hundred & Fifty four and whereas the Circumstances of the Colony Still require the aid of the Interest Money arising on the Bills of Credit issued by virute of the aforesaid Act for Supporting the Same in an Honourable Manner.

BE IT ENACTED by his Excellency the Governor the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Time for which the said Interest Money stands appropriated for Support of the Government by the said Subsequent Act Entituled an Act to Prolong the currency of Bills of Credit emitted by virtue of an Act Entituled an Act for emitting bills of Credit for the Payment of the Debts & for the better Support of the Government of this Colony & other Purposes therein Mentioned, Shall be and hereby is defered, removed & further prolonged until the Third Tuesday in the Month of April, which will be in the year of our Lord one Thousand Seven Hundred & Fifty Seven, any Thing in either of the said Acts to the contrary notwithstanding.

AND that at the Time last mentioned one fourth Part of the said Bills of Credit, and the remainder thereof in the Three next Succeeding Years Shall be paid in, and cancelled & Destroyed at the Times & in the manner directed in & by an Act Entituled an Act for the more Effectual cancelling the Bills of Credit of this Colony passed in the Twenty first Year of his Majesties Reign. And that as well the said first mentioned Act, as one other Act Entituled an Act to Facilitate & explain the Duty of the Loan officers in this Colony passed in the said Eleventh Year of his Majesties Reign, And every the Clauses, Articles, Matters & Things in Them contained, Shall be & hereby are Enacted to continue and remain of full Force & Virtue to all Intents constructions and Purposes whatsoever until the Third Tuesday in april which will be in the Year one Thousand Seven Hundred & Sixty, any thing in the said Acts contain'd to the contrary notwithstanding.

AND be it further Enacted by the authority aforesaid, That the said Bills during the Time they are hereby Enacted to remain current, Shall continue to be put out at Interest in the Same manner & Method as in the said first mentioned act is



directed, and that all the Interest money which may arise on them during that Time, Shall from Time to Time be Employed to & for the Support of the Government of this Colony, in Such manner as Shall by Act or Acts hereafter to be Passed for that Purpose be ordered & directed & not otherwise.

AND be it further Enacted by the Authority aforesaid, That the Loan officers of the Several Cities & Counties within this Colony for the Time being, Shall be & hereby are fully empowered and authorized, To alter the Form of all Such Mortgages as Shall by Them or any of Them hereafter be taken in any of their offices in Relation to the Time & Times of Payment, in Such manner as to make the Same answerable to the true Intent and Meaning of this Act, any Thing in any of the before mentioned Acts to the contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid That WHENSOEVER the Loan officers of the Several Cities & Counties of this Colony, Shall from the Information of any one of the Supervizers in the respective counties of this Province or from the Information of the Justices and Vestrymen of the City of New York or the major Part of them, have Sufficient reason to Suspect the Insufficiency of any of the Securities taken, or to be taken for any Sums of Money Lent or to be Lent out of any of their Several offices, either as to the Value or Title of the said Securities, They the said Loan Officers Shall be & hereby are empowered & required to demand Payment of the Principal Sums notwithstanding the due Payment of the Interest thereof or farther Sufficient Security, and upon failure of due payment of Such Principal Sums, or refusing or neglecting to give farther Sufficient Security within fourteen Days after Such Demand made, To proceed to the Sale of the Mortgaged Lands, or to Such other Remedy as is given by the aforesaid act, according to the Nature of the Case, and therein to pursue the Rules & Directions prescribed in & by the aforesaid Act, any Thing therein contain'd to the contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid, That if any of the Persons who became Suretys for the Loan officers Pursuant to the aforesaid act, Shall be desirous of being Discharg'd from continuing Longer under their said Engagements They Shall give Notice thereof in writing to the Supervizers of the respective Counties, or to the Mayor & Aldermen of the respective Cities where They so Stand Engaged by the first

Tuesday of March next, & the said Supervizors, or Mayor & Aldermen respectively Shall immediately thereafter give notice in writing to the respective Loan officers whose Sureties so desire to be Discharged, That he or They do by the first Tuesday of April following Provide & give new Surety, And in case any of the said Loan officers so notifi'd as aforesaid, Shall fail in giving new Surety to the Satisfaction of the Said Supervizors or Mayor & Aldermen respectively by the said Day, then the Said Supervizors or Mayor & Aldermen respectively, Shall proceed to the choice of a new Loan officer or Loan officers in the Room & Stead of Such so failing. & in the proceedings thereon Shall pursue the directions of the aforesaid Act, with respect to the Choice of New Loan officers in the Several Cases therein mentioned, any Thing in this, or the aforesaid Act to the contrary notwithstanding.

[CHAPTER 898.]

[Chapter 898 of Livingston & Smith, where the act is printed in full. Chapter 898 of Van Schaack, where the title only is printed. See chapter 689. Continued by chapter 1196.]

An Act further to continue an Act Entituled an Act To prevent the Setting on Fire or Burning the old Grass on Hemstead Plains.

[Passed, November 24, 1750.]

BE IT ENACTED by his Excellency the Governor the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same That an Act Entituled an Act to prevent the Setting on Fire or Burning the old Grass on Hemstead Plains passed in the Twelfth Year of his late Majesties Reign, And by Several Subsequent Acts continued to the first Day of December in this present year of our Lord one Thousand Seven Hundred & Fifty Shall be & hereby is further continued & every Clause, Article Matter & Thing therein contained, Enacted to be of full Force and virtue to all Intents constructions & Purposes whatsoever, until the first Day of January which will be in the Year of our Lord one Thousand Seven Hundred & Sixty.

AND WHEREAS Several of the Persons appointed in the Said first mentioned Act to put the Same in Execution with respect to the Extinguishing of Fire are Either Dead or Remov'd from the respective Plantations where They then resided, by which Means the Good Ends & Purposes thereby intended may



be Frustrated, for preventing whereof, Be it Enacted by the Authority aforesaid, That the Persons hereinafter named, viz't William Cornel, John Rock Smith, Richard Williams, Nathaniel Seaman Jun'r John Willis, Joseph Balding, Jacob Seaman of Jerico, John Robins, Benjamin Haviland, Richard Powell, Joseph Seaman, James Seaman, John Jackson Esq'r, Samuel Seaman at Jerusalem Point, John Hall & John Durland, Shall be & hereby are appointed to Put in Execution the Several Powers & Authorities given by the said first mentioned Act to the Persons therein appointed for that Purpose, and the said Persons above named, are hereby Vested with as full power & authority in that respect, as if They had been appointed in & by the Said first mentioned Act any Thing therein contained to the contrary notwithstanding.

[CHAPTER 899.]

[Chapter 899 of Livingston & Smith and Van Shaack, where the act is printed in full. Continued by chapter 925. Further regulated by chapter 1391.]

An Act to prevent the Exportation of Un-  
merchantable Flower & the false Tareing of  
Bread and Flower Casks.

[Passed, November 24, 1750.]

WHEREAS in all well Regulated States the greatest care is taken to have their Staple Commodities put under proper Regulations, and as the Flower of this Colony (its Greatest Staple) has in a Great measure lost its Reputation abroad, Therefore in order to retrieve & preserve the Same,

BE IT ENACTED by his Excellency the Governor the Council & the General Assembly, & it is hereby Enacted by the Authority of the Same, That Every Boulter of Flower or Baker of Bread for Exportation from the City of NEW YORK, residing or at any Time hereafter during the continuance of this Act to Reside within this Colony, Shall Each one for himself, Provide & have a Distinguishable Brand Mark, as also if he thinks Proper a Brand Mark to Distinguish the County where he Resides, and Shall therewith brand Each & every Cask of Flower or Bisquit of his own Boulting or Baking for Exportation, From the City aforesaid, before the Same Shall be removed from the Place where the Same was so as aforesaid Boulted or Baked under the Penalty of one Shilling, For every Cask so removed & not Branded as aforesaid, BUT before any Such Boulter or Baker,

Shall boult any Flower or Bake any Bread for exportation out of the City aforesaid, Every Such Boulter or Baker, Shall cause Such his brand Mark or Marks Together with his name & Place of abode To be Entered with the Clerk of the Court of Sessions for the City or County where he doth Reside, and so from Time to Time as often as any Such Boulter or Baker Shall move the Place of his Residence from one County of this Colony into another, within the Space of one month, after Such Removal or any Alteration of his Brand Mark or Marks, He shall there cause his Mark or Marks, Name & Place of Residence to be Entered with the Clerk of the respective City or County to which he doth Remove for Recording whereof the Clerk Shall have & receive one Shilling & no more, And every Boulter or Baker offending herein, shall Forfeit & Pay the Sum of Forty Shillings.

AND BE IT ENACTED by the Authority aforesaid That all wheat Flower Boultered for Exportation as aforesaid, From and after the Twenty fifth of March next, Shall by the Boulter thereof be made Merchantable, and of due Finess and honestly & well Packed in good Strong Casks well made, and of Staves well Seasoned with the Tare of the Cask marked thereon, and each & every Cask thereof Shall be well & Sufficiently nailed before the Same be moved or carried from the Place where the Same were made as aforesaid, And if any Boulter or Baker shall offend in all or any of the Premises, He, She or They Shall Forfeit & Pay for every Such offence, The Sum of one Shilling, for each Cask.

AND be it Enacted by the Authority aforesaid That if any Person or Persons Shall put a false or wrong Tare on any Cask of Flower or Bread to the Disadvantage of the Purchaser, He she or They Shall Forfeit & pay for every Such Cask falsely Tared as aforesaid, The Sum of Five Shillings, one half thereof to the use of the Purchaser of said Flower or Bread.

AND be it Enacted by the Authority aforesaid That no Person or Persons whatsoever, Shall Ship any Flower for Exportation as aforesaid, before he shall first Submit the Same to the View & Examination of the officers hereinafter named, who Shall Search & Try the Same, by Boring the head, & Piercing it Through with an Instrument to be contriv'd for that Purpose, in order to prove whether it be honestly & truly Packed, as also to Enable him to Judge of its goodness, and Shall afterwards Plug up the hole, and if the said officer or officers or any one of Them, Shall Judge the Same to be merchantable, according to



the Direction of this Act, he shall Brand Every Such Cask of Flower on the Quarter in a fair & distinguishable manner with the Province Arms, and the Initial Letters of his name and Surname, for which Trouble the respective officer or officers Shall have & Receive of the Purchaser, one Penny per Cask and no more.

PROVIDED always and be it Enacted by the Authority aforesaid That if any Dispute Should happen to arise between the Said officers or any of Them and possessor of Such Flower, concerning the Finess or goodness thereof, upon application made to one of the Majestrates of the City of NEW YORK, he Shall & hereby is Required to Issue his warrant to Three Indifferent Judicious Persons of Skill & Integrity, to view and Search the said Flower, one of Them to be named by the Possessor of Such Flower, The Second to be named by the officer, and the Third Person to be named by the said majestrate, which Three Persons Shall be Duly Sworn carefully to Examine the said Flower, and make Report forthwith according as They find the Same, and the said majestrate is hereby Impowered & Required to give Judgment agreeable to the Report of the Persons so named, or to the Report of any two of Them, And in case the Said Flower is Judged not Fitt to be Exported, The said Majestrate Shall order it, not to be Exported on the Forfeiture of all the Flower, and Shall also award & order the owner or Possessor of Said Flower, To pay the said officer or officers, Three pence for Each Cask, for all Such Flower as Shall be Judged not Fitt for Exportation as aforesaid with reasonable Cost & charges, who Shall Recover the said Cost & charges from the Boulter or maker thereof, But in case the said Flower upon Tryal Shall be found to be good & Merchantable according to the Directions of this Act, The Charges of Prosecution Shall be paid by the Officer or Purchaser at whose request the Tryal was made, And in case any Flower Shall upon Tryal be found not Merchantable or not fitt to be Exported, The officer or officers. Shall take the Boulters Brand and the Marks & Numbers of Such Casks of Flower, And if the Same Flower be afterwards Ship'd in order FOR Exportation, The proof That it is not the same Flower, Shall lye wholly on the owner or Shipper thereof & Shall not be Incumbent on the said officer or officers.

AND be it Enacted by the Authority aforesaid That Such officer or officers Shall have full Power & Authority by virtue

of this Act, and without any further or other Warrant to Enter on board any Ship, Sloop or Vessel whatsoever Lying or being in the Harbour of Said City, To Search for & make discovery of any Flower Ship'd or Shipping on board any Such Vessel for Exportation out of this Colony, and if said officer Shall on Such Search discover any Cask or Casks of Flower not Branded as before Directed, the Person or Persons so Shipping the Same, Shall Forfeit all & Every Such Cask or Casks of Flower so Ship'd or Shipping & not Branded in the manner before Directed, And the Master or Commander of any Such Vessel who Shall receive any Such Cask or Casks of Flower not branded as aforesaid, Shall Forfeit & pay for each Cask so received on board his Vessel, the Sum of Ten Shillings, And if any Master of Such Vessel or any of his Servants or Seamen Shall obstruct or hinder the said officer or officers in making Such Search as aforesaid, Every Person so offending Shall Forfeit the Sum of Fifty Pounds.

AND be it Enacted by the Authority aforesaid That Francois Marschalek John Livingston & Hendrick Bogart Shall be & hereby are appointed the officers for viewing & Examining all Flower that is Intended to be Ship'd for Exportation directly, From the port of New York, and if the officers or any of Them hereby appointed, Shall by any accident be Rendred Incapable or neglect to Execute the said office, or misbehave him or Themselves therein, or Shall happen to Die, Then & so often, and from Time to Time in such cases it Shall & may be Lawfull, To and for the Mayor & Aldermen of the City of NEW YORK or the Major part of Them, To Supply his or their Place by Some other Fitt & capable Person, who Shall thereupon be the officer for Putting this Act in Execution until another be appointed by Act or Acts hereafter to be Passed for that Purpose, any Law Charter, usage or Custom to the Contrary notwithstanding, But before the Said officer or officers hereby or hereafter to be appointed, Shall doe any Thing in Execution of their Said office, They Shall Each of Them take an oath before any Magistrate of the City of NEW YORK in the words following

I A. B. do Swear That I will Faithfully Truly & Impartially according to the best of my Judgment Skill & understanding, Execute do & Perform the office & Duty of an Inspector & Examiner of Flower, according to the True Intent & meaning of an Act Entitled an Act, to prevent the Exportation of un-



merchanta<sup>ble</sup> Flower & the false Tareing of bread & Flower Casks, so help me God

AND BE IT ENATED by the Same Authority, That the said officer or officers hereby Appointed or hereafter to be appointed are hereby Strictly Charged and Required, not to Purchase any Flower by Them condemned as aforesaid, or any Flower whatsoever, other than for their own particular use under the Penalty of Fifty Pounds to be recovered by Action of Debt bill Plaint or Information by any Person or Persons that Shall Sue for the Same to Effect in any Court of Record in this Colony, The one half thereof to the Person or Persons So Suing, The other half thereof To be paid to the Treasurer of this Colony for & Towards the Support of the Government thereof

AND be it further Enacted by the Authority aforesaid That if any of the aforesaid officers not then imploy'd in the Examination of Flower according to the Powers & Authorities given by this Act, Shall on application to Them or any of Them made for the Examination of any Flower as aforesaid, Refuse, Neglect or Delay to Proceed to Such Examination for the Space of Three hours after Such Application so made, The said officer or officers, So refusing, neglecting or Delaying to make Such Examination, Shall for Each offence respectively, Forfeit the Sum of Twenty Shillings, To the use of the Person or Persons So Delayed.

AND be it Enacted by the Authority aforesaid That if any Person or Persons Shall counterfeit any of the aforesaid Brand Marks, or Impress or brand the Same on any Cask of Flower, He She or They being thereof Legally Convicted Shall Forfeit & pay the Sum of one Hundred Pounds.

AND be it Enacted by the Authority aforesaid That if any Person or Persons, Shall Empty any Cask of Flower branded as aforesaid in order to Put in other Flower for Sale or Exportation, without first cutting out the said brand Marks the said Person or Persons so offending Shall respectively Forfeit the Sum of one Hundred Pounds.

AND BE IT ENACTED by the Authority aforesaid That the officers aforesaid, Shall be and hereby are Authorized and Impowered and Directed to Sue for all Fines & Forfeitures mentioned in this Act, Except Such as are herein before otherwise apply'd, and Excepting tselv own Forfeitures, Which Fines & Forfeitures not Exceeding Forty Shillings, Shall be recovered in

the Same manner, as other Debts under Forty Shillings by the Laws of this Colony are recoverable where the Same Exceed Forty Shillings, They may be Sued for and Shall be Recovered in any Court of Record in this Colony, by bill Plaint or Information wherein no Essoyn Protection or Wager of Law, or any more than one Imparliance Shall be Allowed, The one half of all which Said Fines and Forfeitures when recovered, the said officers Shall immediately Pay into the hands of the Treasurer of this Colony towards the Support of the Government thereof & the other half They may Retain in their own hands for their own use as Prosecutors

AND be it Enacted by the Authority aforesaid That this Act Shall commence from the Twenty fifth Day of March next and Shall be & remain in Force until the first Day of January one Thousand Seven Hundred and Fifty Two.

[CHAPTER 900.]

[Chapter 900 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for the Payment of the Debts of this Colony and for other the Purposes therein mentioned.

[Passed, November 24, 1750.]

WHEREAS the Salaries of the Several officers & other necessary & contingent Charges of this Government have remained unpaid for Some considerable Time & the General Assembly being willing to Pay & discharge the same.

BE IT ENACTED by his Excellency the Governor, the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Treasurer of this Colony Shall & hereby is impowered and required, out of the monies arisen by the Fonds appropriated to the annual Support of the Government of this Colony, out of the Ballance in his Hands, on the Act Entitled an Act, for raising a Supply of the Sum of Thirteen Thousand Pounds by a Tax on Estates real & Personal for the more Effectual Fortifying this Colony, for the emitting Bills of Credit for the like Sum, for the immediate answering the necessary Services, and for the Sinking and cancelling the said Bills at the Several Short Periods therein mentioned passed in the nineteenth Year of his Majesties Reign; out of the Ballance in his Hands on the Act entitled



an Act for raising a Supply of Twenty Eight Thousand Pounds by a Tax on Estates real & personal, for defraying the Expence of Several Services necessary for the Defence of the Frontiers & Annoyance of the Enemy: for Emitting Bills of Credit for the like Sum, and for Sinking & cancelling the said Bills in Short Periods passed in the Twenty first Year of his Majesties Reign, and out of the Several other Fonds herein-after mentioned; to pay the Several Salaries, Contingencies & Allowances following in the manner herein after directed, That is to Say,

TO his Excellency the Governor for his administring the Government of this Colony from the first Day of September one Thousand Seven Hundred & Forty Eight, To the first Day of September in this present year, one Thousand Seven Hundred & Fifty, The Sum of Three Thousand one Hundred and Twenty Pounds.

TO his said Excellency the Governor for Fire Wood & candles provided by him for the Fort & Garrison in the City of New York, From the Thirteenth day of June one Thousand Seven Hundred & Forty Eight, To the Thirteenth Day of June one Thousand Seven Hundred & Fifty, The Sum of Eight Hundred Pounds.

TO his said Excellency the Governor for the Expence of his Voiages to Albany in the Years one Thousand Seven Hundred & Forty Seven, and one Thousand Seven Hundred & Forty Eight, to meet & Treat with the Six Nations of Indians there, The Sum of Three Hundred Pounds.

TO John Van Renselaer for providing Fire Wood & Candles for the Garrisons at Albany, Schenectade & Fort William, From the first Day of September one Thousand, Seven hundred & Forty Eight, To the first Day of September one Thousand Seven Hundred & Fifty, the Sum of Six hundred Pounds.

TO Arent Stephens for his Salary as Indian Interpreter and all other Services which he has been directed to do by the Governor, from the first day of September one Thousand Seven Hundred & Forty Eight, To the first Day of September, one Thousand Seven Hundred & Fifty the Sum of one Hundred Pounds.

TO James De Lancey Esq'r as Chief Justice of this Colony & for going the Circuits from the first Day of September, one Thousand Seven Hundred & Forty eight, To the first Day of

September one Thousand Seven Hundred & Fifty the Sum of Six Hundred Pounds.

TO Frederick Philipse Esq'r as Second Justice of the Supreme Court of this Colony, and for going the circuits from the first Day of September one Thousand Seven Hundred & Forty eight, To the first Day of September one Thousand Seven Hundred & Fifty, the Sum of Two Hundred Pounds.

TO the Secretary of this Colony for Enrolling & Engrossing the Acts of the General Assembly, from the first Day of September one Thousand Seven Hundred & Forty Eight, To the first Day of September one Thousand Seven Hundred & Fifty the Sum of Sixty Pounds.

TO the Clerk of the Council for his Service in that Station from the first Day of September one Thousand Seven Hundred & Forty Eight, To the first Day of September one Thousand Seven Hundred & Fifty the Sum of Sixty Pounds.

TO the Door keeper of the Council for his Service in that Station from the first Day of September one Thousand Seven Hundred & Forty eight to the first Day of September one Thousand Seven Hundred & Fifty the Sum of Forty Pounds.

TO James Parker as Publick Printer of this Colony, from the first Day of September one Thousand Seven Hundred & Forty eight to the first Day of September one Thousand Seven Hundred & Fifty the Sum of one Hundred and Twenty Pounds.

TO Adolph Brass as Land & Tide Waiter of the Colony Duties from the first Day of September one Thousand Seven Hundred & Forty Eight to the first Day of September one Thousand Seven Hundred & Fifty the Sum of Forty five Pounds

TO John Kip as Gauger of Liquors Subject to the said Duties from the first Day of September one Thousand Seven Hundred & Forty eight to the first Day of September one Thousand Seven Hundred & Fifty the Sum of Forty Pounds.

TO Captain John Waldron as Keeper of the Colony Stores of War in the City of New York, from the first Day of September one Thousand Seven Hundred & Forty Eight to the first Day of September one Thousand Seven Hundred & Fifty the Sum of Forty Pounds.

TO Samuel Brown for his Service in taking Care of the Cannon & Several Batteries in the City of New York from the first Day of September one Thousand Seven Hundred & Forty Eight, to the first Day of September one Thousand Seven Hundred & Fifty, the Sum of Forty Pounds.



TO John Vandike for his Service in taking Care of the Battery and Cannon at Red Hook, from the first Day of September one Thousand Seven Hundred & Forty Eight To the first Day of September one Thousand Seven Hundred & Fifty the Sum of Ten Pounds.

ALL which Several before mentioned Sums of Money Shall be paid by the said Treasurer on Warrants issued in Council, Signed by the Governor or Commander in Chief for the Time being by and with the advice & consent of the Council, to the respective before mentioned Persons provided the said Warrants do not exceed the respective Sums before mentioned, and the Receipts of the said Several and respective Persons thereon endorsed, Shall be to the said Treasurer good Vouchers & Discharges for the Same.

AND be it further Enacted by the Authority aforesaid, That the said Treasurer Shall out of the Fonds aforesaid, or those herein after Mentioned pay the Several Sums of Money following in the Manner herein after directed, that is to Say.

UNTO John Livingston to be by him paid unto Robert Charles Esq'r Agent for this Colony in great Brittain, for his Service in that Station from the first Day of September one Thousand Seven Hundred and Forty Eight To the first Day of September one Thousand Seven Hundred & Fifty the Sum of Four Hundred Pounds.

UNTO the said John Livingston to be by him paid unto the aforesaid Robert Charles Esq'r for Sundry Sums of Money Disbursed by him for the Service of this Colony in opposing the Bill for abolishing Paper Currency in America, in Discharge of his Account of the Sum of one Hundred Pounds Twelve Shillings & two pence Sterling, the Sum of one Hundred & Eighty Three Pounds Twelve Shillings & two pence.

TO Daniel Bloom for the Ferriage of French & Spanish Prisoners of War in the year one Thousand Seven Hundred & Forty Eight The Sum of Four pounds fourteen Shillings & one Penny.

TO Belitia Vanderveer for Lodging & Victualing Two French Prisoners Forty two Days from the Tenth of June one Thousand Seven Hundred & forty eight the Sum of Two pounds and Two Shillings.

TO John Becket for Lodging & Victualing four French Prisoners from the Tenth of June, To the Thirteenth of July one Thou-

sand Seven Hundred & Forty Eight in Discharge of his Accompt of Thirteen pounds Eight Shillings & Six pence The Sum of Eleven pounds Eighteen Shillings & Six pence.

TO Hendrick Snyder for Lodging & Victualing Two French Prisoners Fifty one Days & conveying them to New York Ferry in the Year one Thousand Seven Hundred & Forty Eight the Sum of Five pounds Six Shillings.

TO John Antonidies for Lodging & Victualing Two French Prisoners from the Eleventh To the Twenty Ninth of June in the Year one Thousand Seven Hundred & Forty Eight & conveying Them to NEW YORK Ferry, the Sum of Two Pounds & four Shillings.

TO Cornelius Van Kleef for Lodging & Victualing Two French Prisoners from the Tenth of June in the Year one Thousand Seven Hundred & Forty Eight, The Sum of Two Pounds & Ten Shillings.

TO Peter Luyster for Lodging & Victualing Four French Prisoners from the Eleventh To the Twenty-Ninth of June in the Year one Thousand Seven Hundred & Forty Eight The Sum of Three Pounds & Sixteen Shillings.

TO Philipus Nagel for Lodging & Victualing Two French Prisoners from the Tenth of June in the Year one Thousand Seven Hundred & Forty Eight To the Eleventh of July following The Sum of Three Pounds & Two Shillings.

TO John Benham for Lodging & Victualing Four French Prisoners from the Tenth of June in the Year one Thousand Seven Hundred & Forty Eight To the Eleventh of July following The Sum of Six Pounds & four Shillings.

TO Peter Stryker for Lodging & Victualing Two French Prisoners Fifty Days from the Tenth of June in the Year one Thousand Seven Hundred & Forty Eight the Sum of Two Pounds & Ten Shillings.

TO Barent Deventer for Lodging & Victualing Four French Prisoners from the Tenth to the Twenty Ninth of June one Thousand Seven Hundred & Forty Eight & conveying Them to New York Ferry The Sum of Five Pounds and Six Shillings.

TO Joseph Benham for Lodging & Victualing Two French Prisoners from the Eleventh To the Twenty-Ninth of June in the Year one Thousand Seven Hundred & Forty Eight The Sum of one Pounds and Eighteen Shillings.

TO Rem Hegemen for Lodging & Victualing Two French Prisoners officers from the Tenth to the Twenty ninth of June one



Thousand Seven Hundred and Forty Eight The Sum of Three Pounds & Three Shillings.

TO Jeremiah Vanderbelt for Lodging & Victualing Two French Prisoners officers from the Tenth To the Twenty ninth of June & conveying Them to NEW YORK Ferry in the Year one Thousand Seven Hundred & Forty Eight The Sum of Three Pounds and nine Shillings.

TO Aris Vanderbelt for Lodging & Victualing Four French Prisoners from the Tenth of June in the Year one Thousand Seven Hundred & Forty Eight and conveying Them to New York Ferry in Discharge of his Accompt of Five Pounds, The Sum of Four Pounds and one Shilling.

TO the Executors or Administrators of Isaac Van Dam deceas'd in Discharge of his Accompt, for Lodging & Victualing Several French Prisoners from the Tenth of June To the Thirty first of August, in the Year one Thousand Seven Hundred and Forty Eight, The Sum of Twenty five Pounds two Shillings & Nine Pence.

TO the Executors or Administrators of Frederick Sebring for Lodging & Victualing Four French Prisoners to the Twelfth Day of July in the Year one Thousand Seven Hundred & Forty Eight, in Discharge of his accompt The Sum of Thirteen Pounds and Four Shillings.

TO Charlette Faviere for Lodging & Victualing Mr. Mokader a French officer Twenty Six Weeks to the Thirteenth of October, in the Year one Thousand Seven Hundred & Forty Eight, in Discharge of her Accompt of Twenty Pounds Sixteen Shillings, The Sum of Thirteen Pounds & Thirteen Shillings.

TO RENE Hett for Lodging & Victualing Captain Joseph Aville a French Prisoner from the Fourteenth Day of July to the Thirtieth Day of August in the Year one Thousand Seven Hundred & Forty Eight the Sum of one Pound.

TO Andrew Girard for Lodging & Victualing Four French Prisoners from the Fourteenth of July to the Tenth of August, one Thousand Seven Hundred & Forty Eight The Sum of one Pound.

TO Anne Gombault for Lodging & Victualing Four French Prisoners officers from the Twenty first of June to the Twenty Sixth of August following in the Year one Thousand Seven Hundred & Forty Eight, The Sum of Fifteen Pounds & Fifteen Shillings.

TO Mary Garreau for Lodging & Victualing Doctor Rossell a French Prisoner four Weeks in July in the Year one Thousand Seven Hundred & Forty Eight The Sum of Two Pounds & Two Shillings.

TO Elias Peltreau for Lodging & Victualing Two French Prisoners officers from the first of July one Thousand Seven Hundred & Forty Eight, to the first of October following The Sum of Twelve Pounds and Twelve Shillings.

TO Judith Bourdett for Lodging & Victualing Three French Prisoners in the Year one Thousand Seven Hundred & Forty Eight The Sum of Eleven Pounds & Six pence.

TO Joseph Forbes for Lodging & Victualing Two French Prisoners To the Twenty fourth of October in the Year one Thousand Seven Hundred & Forty Eight The Sum of one Pound & Three Shillings.

TO Joseph Paulding for Lodging & Victualing Three French Prisoners from the first of July, To the Twenty fifth of August in the Year one Thousand Seven Hundred & Forty Eight, The Sum of Six Pounds & Three Shillings.

TO John Outenbogat for Lodging & Victualing Two French Prisoners Fourteen Days in the Year one Thousand Seven Hundred & Forty Eight, The Sum of one Pound Eight Shillings.

TO Mary Forbes for Lodging & Victualing French Prisoners to the Eleventh Day of July in the Year one Thousand Seven Hundred & Forty Eight, The Sum of Ten Pounds and Eight Shillings.

TO Mary Crew for Lodging & Victualing Two French Prisoners Sixteen Days in the Year one Thousand Seven Hundred & Forty Eight The Sum of one Pound & Twelve Shillings.

TO Maragaret Niven for Lodging Victualing & Attending Two French Prisoners, who were Sick Fifty Six Days from the first of July to the Twenty fifth of August following in the Year one Thousand Seven Hundred & Forty Eight, The Sum of Eleven Pounds & four Shillings.

TO the said Margaret Neven for Lodging Victualing & Attending Eneas Newdame a Sick French Prisoner Forty Two Days in the Year one Thousand Seven Hundred and Forty Eight, The Sum of Four Pounds & Four Shillings.

TO the said Margaret Neven for Lodging Victualing & Attending Mr Acker a French Prisoner Fourteen Days in the Year one Thousand Seven Hundred & Forty Eight, The Sum of One Pound and Eight Shillings.



TO Doctor John Van Buren for his Administring Medicines to & Attendance on Sick Prisoners of War from the Sixteenth of July To the Twenty fourth of August in the Year one Thousand Seven Hundred & Forty Eight The Sum of Five Pounds & Nineteen Shillings.

TO the Executors or Administrators of Doctor Joseph Brunning Deceased for his Medicines & attendance on Several Sick & maimed French Prisoners in June & September one Thousand Seven Hundred & Forty Eight, The Sum of Seventeen Pounds & Eighteen Shillings.

TO John Ayscough Esq'r High Sheriff of the City of NEW YORK for his Time & Trouble in Receiving & Quartering out Several French & Spanish Prisoners in Several Places in this Colony From the Ninth of June one Thousand Seven Hundred & Forty Eight To the Sixth of September one Thousand Seven Hundred & Fifty in Discharge of his Account against this Colony, The Sum of Thirty Nine Pounds & Six Shillings.

TO Doctor William Brownjohn for his Medicines & Attendance on Several Sick French Prisoners, from the Eleventh of June To the Eighteenth of August in the Year one Thousand Seven Hundred & Forty Eight, The Sum of Fourteen Pounds Eight Shillings & Three Pence.

TO Peter Labow for Lodging & Victualing Five French Prisoners in the Year one Thousand Seven Hundred & Forty Eight in Discharge of his accompt of Eighteen Pounds Eighteen Shillings, The Sum of Thirteen Pounds & Two Shillings.

TO Isaac Willet Esq'r High Sheriff of Westchester County for his Receiving, Lodging & Victualing Seventy Seven French & Spanish Prisoners, From the Thirteenth of June one Thousand Seven Hundred & Forty Eight To the Tenth of July following and for his Time & Expencc in the said Service The Sum of one Hundred, Twenty Two Pounds & Eighteen Shillings.

TO John Van Wick Esq'r High Sheriff of Queens County for Receiving, Lodging & Victualing Sixty Three French & Spanish Prisoners from the Eleventh of June one Thousand Seven Hundred & Forty Eight To the Tenth of July following, The Sum of Ninety four Pounds & Nineteen Shillings.

TO the said John Van Wick for monies advanced by him for Transporting the said Prisoners from Flushing to New York the Eleventh of July one Thousand Seven Hundred & Forty Eight, the Sum of Two Pounds & five Shillings

TO the said John Van Wick for his Time & Expence in Receiving Quartering out & Returning the Said Prisoners, The Sum of Two Pounds.

TO Collonel William Johnson for the Expence of maintaining Seven French Gentlemen Ten Days at Albany who came from Canada to Treat Touching the Exchange of Prisoners of War, between the Seventeenth of September & Twentieth of October one Thousand Seven Hundred & Forty Eight, at Eight Shillings per Diem Each the Sum of Twenty Eight Pounds, And for their Passages & Stores from Albany to NEW YORK, The Sum of Eight Pounds & Eight Shillings.

TO the said Collonel Johnson for the Expence of Maintaining Fourteen Attendants of the Said Gentlemen at Albany during the said Time at Four Shillings per Diem Each The Sum of Twenty Eight Pounds, and for their Passages & Stores from Albany to NEW YORK The Sum of Eight Pounds & Eight Shillings.

TO the said Collonel Johnson for the Expence of Maintaining Four French Gentlemen Twenty Two Days at Albany who came from Canada to treat Touching the Exchange of Prisoners of War between the fifth Day of February, one Thousand Seven Hundred & Forty Eight, & the Twenty first of April following including the Time of their coming from Albany to New York at Eight Shillings per Diem each The Sum of Forty Two Pounds.

TO the said Collonel Johnson for the Expence of Maintaining Eight Attendants of the said Gentlemen at Albany during the said Time including their coming from Albany to New York at four Shillings per Diem each the Sum of Forty two Pounds.

TO John Ayscough Esq'r for the Expence of maintaining Seven French Gentlemen Twenty Two Days at NEW YORK who came from Canada to Treat Touching the Exchange of Prisoners of War between the Twenty fourth of September one Thousand Seven Hundred & Forty Eight, & the Sixteenth of October following Including the Time of their going from NEW YORK to Albany at Eight Shillings per Diem each The Sum of Sixty one Pounds and Twelve Shillings.

TO the said John Ayscough Esq'r for the Expence of maintaining Fourteen Attendants of the said Gentlemen at NEW YORK during & including the said Time at Four Shillings per Diem Each the Sum of Sixty one Pounds & Twelve Shillings.



TO the said John Ayscough Esq'r for the Expence of Maintaining Four French Gentlemen TWENTY two Days at NEW YORK who came from Canada to treat Touching the Exchange of Prisoners of War between the Eighteenth of February one Thousand Seven Hundred & Forty Eight and the Twelfth of April following including the Time of their going from NEW YORK to Albany at Eight Shillings per diem Each, The Sum of Forty Two Pounds.

TO the said John Ayscough Esq'r for maintaining Eight attendants of the Said Gentlemen during & Including the Same Time at Four Shillings per Diem each The Sum of Forty two Pounds.

TO Collonel William Johnson for money advanced by him for the Service of this Colony, To the Gun Smiths Sent to the Cayugas, Onondagoes, Sennecas and Mohawks pursuant to the Agreement Enter'd into by the Commissioners of this Colony with those of the Massachusetts Bay & Connecticut in the Year one Thousand Seven Hundred & Forty Seven The Sum of Three Hundred Pounds

TO the said Collonel Johnson for goods Furnished by him for the Mohawks Pursuant to the aforesaid Agreement The Sum of Sixty Pounds.

TO the Said Collonel William Johnson for Supplying Provisions for the Militia & additional Number of Regular Forces posted at Oswego from the Fifteenth of May one Thousand Seven Hundred & Forty Eight To the Fifteenth of November following The Sum of Six Hundred & Sixty Eight Pounds, Eleven Shillings & four Pence.

TO Teedy Magen for Carrying Goods to the oneidas & Tuscororas & for the Pay of himself, a Gun Smith & Servant residing there Pursuant to the Agreement aforesaid The Sum of Ninety Pounds & nine Shillings

TO Philip Ryley Gun Smith for Residing Six Months at Cayuga & for Providing Sundry Materials & Instruments necessary for the Service, Pursuant to the said agreement, The Sum of Ninety nine Pounds & Fourteen Shillings.

TO Ryer Booen for carrying Goods to the onondagos & for the Pay of two Men with a Gun Smith & for residing there Six Months from November one Thousand Seven Hundred & Forty Seven, To May following Pursuant to the agreement aforesaid. The Sum of Eighty Eight Pounds & Twelve Shillings.

TO Myndert Wempe for Carrying Goods to the Value of one Hundred & Twenty Pounds to the Sennecas for Presents to Them in the Year one Thousand Seven Hundred & Forty Seven, Pursuant to the said Agreement, The Sum of THIRTY three Pounds Sixteen Shillings & Three pence.

TO the said Myndert Wempe for his Service as Gun Smith among the Sennecas Pursuant to the said Agreement, The Sum of Seventy Pounds.

TO the Commissioners appointed on the Part of this Colony to meet & Treat with the Commissioners appointed on the Parts of the Colonies of the Massachusetts Bay & Connecticut Touching their joint Conduct in the late War, for their Time & Expence in the said Service From the Thirteenth to the Twenty Seventh of September in the Year one Thousand Seven Hundred & Forty Seven, The Sum of Forty Six Pounds & five Shillings

TO Colonel William Johnson for an Express Sent by him to Oswego by his Excellencys order, To withdraw the Militia from Thence in the Year one Thousand Seven Hundred & Forty Eight The Sum of four Pounds.

TO Waldron Cloet in Discharge of his Accompt for work done in Rebuilding the Fort at Saraghtoga in the Year one Thousand Seven Hundred & Forty Five The Sum of Eighteen Pounds & nine Shillings.

TO Dirck Vander Heyden in Discharge of his Accompt for Work done in Rebuilding the Fort at Saraghtoga in the Same Year, The Sum of Twenty Eight Pounds & nineteen Shillings.

TO Cornelius Cuyler in full Discharge of the Remainder of his Accompt brought against this Colony for Materials & Provisions furnished by him for the Persons employed in Rebuilding the Fort at Saraghtoga in the Same Year and for the use of the Forces then Posted there The Sum of Thirty Seven Pounds Three Shillings & five Pence.

TO the Executors or Administrators of Nicholas Schuyler in Discharge of his Accompt against this Colony for Work done & Materials provided in rebuilding the Fort at Saraghtoga in the Same Year, the Sum of Eighteen Pounds and Eighteen Shillings

TO Patrick Mackarty for work done in Rebuilding the Fort at Saraghtoga in the same Year the Sum of Three Pounds & nine Shillings.



TO Abraham Dow in Discharge of his Accompt for Providing Axes & fitting them for Service, imployed in rebuilding the Fort at Saraghtoga in the Same Year, The Sum of Two Pounds & Eighteen Shillings.

TO Robert Barret in Discharge of his Accompt for work done by him at Saraghtoga in the Same Year, The Sum of Six Pounds & Six Shillings.

TO Johanes Coenradt Myer in Discharge of his Accompt for Work done by him in rebuilding the Fort at Saraghtoga in the Same Year, The Sum of one Pound, Eight Shillings & Six pence.

TO Hendrick Milton in Discharge of his Accompt for work done by him in rebuilding the Fort at Saraghtoga in the Same Year The Sum of one Pound Eight Shillings & Six Pence.

TO Luycas Wessells for Fourteen Days work as Carpenter at Five Shillings & Six Pence per Diem in rebuilding the Fort at Saraghtoga in the Same Year The Sum of Three Pounds & Seventeen Shillings.

TO Jacob Abrahams in Discharge of his Accompt for Cutting Timber wood for rebuilding the Fort at Saraghtoga in the Same year The Sum of Nineteen Shillings & Six Pence.

TO Thomas Valkenburgh in Discharge of his accompt for Work done in Rebuilding the Fort at Saraghtoga in the Same Year The Sum of Two pounds & five Shillings.

TO Ephraim Moow in Discharge of his Accompt for Carting Timber & Fire wood for the Garrison at Saraghtoga in January one Thousand Seven Hundred & Forty five The Sum of Five Pounds and Seventeen Shillings,

TO John Mackintosh in Discharge of his Accompt for work done by him as Carpenter Twenty one Days & a half at Five Shillings & Six pence per Diem at Saraghtoga in the Year one Thousand Seven Hundred & Forty Six, The Sum of Five Pounds Eighteen Shillings & Three Pence.

TO the Executors or Administrators of Colonel John Schuyler for Six Days Sledding of Materials for rebuilding the Fort at Saraghtoga in the Year one Thousand Seven Hundred & Forty five, The Sum of Two Pounds & Fourteen Shillings.

TO the Executors or Administrators of Nicholas Bleeker for Sundry Sums of money paid by him to Several Person for Providing Fire wood for the Watch House Number Three at Albany in the Years one Thousand Seven Hundred & Forty

four, and one Thousand Seven Hundred & Forty five, The Sum of Thirty Two Pounds Eleven Shillings & Ten pence.

TO the Executors or Administrators of the said Nicholas Bleeker for Sundry Sums of Money paid by him to Several Persons for Providing Fire wood for the Watch Houses Number Three & five at Albany in the Same Years the Sum of Three Pounds Thirteen Shillings and Two pence.

TO John Roseboom for his Service in attending the Detachments of Militia Sent on the Frontiers in the Year one Thousand Seven Hundred & Forty Six as Doctor, The Sum of Four Pounds and Two Shillings.

TO the Executors or Administrators of Cornelius Van Dyck deceased for his Service in attending the Detachments of Militia Sent on the Frontiers in the year one Thousand Seven Hundred & Forty Six as Doctor, The Sum of Five Pounds & Five Shillings.

TO John Van Renselaer for the Pay of eleven Men of the Militia Detached from the Lower Parts of the County of Albany & posted at green Bush by Colonel Schuylers order, From the Twentieth of May one Thousand Seven Hundred & Forty Six, To the Twenty Eighth of July following in Discharge of his accompt The Sum of Thirty one pounds & Sixteen Shillings.

TO Barnardus Bradt for Carting Cannon & Carriages into the Fort at Albany and for the Ferriage of Captain Marshalls company of Soldiers across the River to Kinderhook when Stopped by the Ice in their Passage to Albany in the Year one Thousand Seven Hundred and Forty five in discharge of his Accompt, The Sum of Thirteen Pounds & Nineteen Shillings.

TO Abraham Fonda for making Carriages for the Cannon at Schenectade & carting Boards for the use of the Fortifications in January one Thousand Seven Hundred & Forty Seven, The Sum of one Pound Nine Shillings & Six pence.

TO Peter Van Allen in Discharge of his Accompt against this Colony for the Freight of Six Cannon & Carriages to Albany in November in the Year one Thousand Seven Hundred & Forty five The Sum of Three Pounds

TO Adam Van Deberg & company in Discharge of his accompt for Dismounting the Cannon of the Several Batteries & Lodging Them, and Housing the Carriages in this present Year one Thousand Seven Hundred & Fifty The Sum of Twenty one pounds Thirteen Shillings & two Pence.



TO the said Adam Van Debergh for Carting Cannon & their Carriages to the Battery by Desbrosses Wharff and the Block House & Store House in July in the Year one Thousand Seven Hundred & Forty Seven, The Sum of Ten pounds & Twelve Shillings.

TO Gerrit Van Deberg in Discharge of his accompt brought against this Colony for Furnishing Candles for the Soldiers Posted at Albany from the Twenty fifth of March one Thousand Seven Hundred & Forty Six To the Twentieth of October following, The Sum of Twelve Pounds Three Shillings & Six Pence.

TO Myndert Wempe & Philip Ryley for Sundry Disbursements among the Sinneca Indians for the Service of this Colony in the Year one Thousand Seven Hundred & Forty five, The Sum of Twenty Three Pounds & Thirteen Shillings.

TO Thomas Stibbens in full Discharge of his accompt brought against this Colony for his Expence & Trouble in assisting in apprehending Several Persons Suspected of Counterfeiting the Currency of this Colony in the Year one Thousand Seven Hundred & Forty Seven The Sum of Thirty Six Pounds Eight Shillings & Six Pence.

TO Richard Bidder in full Discharge of his accompt brought against this Colony for his Expence & Trouble in assisting in apprehending & Securing the aforesaid Persons Suspected of counterfeiting the Currency of this Colony in the Year one Thousand Seven Hundred & Forty Seven, The Sum of Twelve Pounds nine Shillings & Eight Pence.

TO Hamilton Hewetson in full Discharge of his accompt brought against this Colony for his Expence & Trouble in assisting in apprehending & Securing the said Persons Suspected of Counterfeiting the Currency of this Colony, in the Year one Thousand Seven Hundred and FORTY Seven The Sum of Five Pounds & Nineteen Shillings.

TO Jacob Cronkhite for one Horse Saddle & Bridle impressed from him by Richard Bidder & afterwards Stole from the said Richard Bidder whilst he Was in pursuit of the said Persons Suspected of Counterfeiting the Currency of this Colony, The Sum of Eighteen Pounds & ten Shillings

TO James Mills for Lodging & Victualing Four Persons Imprisoned on Suspicion of Counterfeiting the Currency of this Colony in the Year one Thousand Seven Hundred & Forty Seven The Sum of Twenty Eight Pounds & Nineteen Shillings.

TO Oliver Wolent as a Bounty for raising Fifty five Volunteers for the Defence & Security of the Northern Frontiers of this Colony in the Year one Thousand Seven Hundred & Forty Seven The Sum of one Hundred & Ten Pounds.

TO James Church Captain of a Company raised for the Defence of the Northern Frontiers of this Colony for the Pay of himself & Company Posted at Kinderhook from the Seventeenth of August one Thousand Seven Hundred & Forty Eight To the Fifteenth of September following including both Days The Sum of One Hundred & Thirty Three Pounds & five Shillings.

TO the said James Church for the Pay of himself & Company Posted at Kinderhook from the Fifteenth To the Thirtieth of September one Thousand Seven Hundred & Forty Eight The Sum of Forty five Pounds & Fifteen Shillings.

TO John Tiebout to be by him employ'd in repairing Copsy Battery The Sum of Two Hundred & Fourteen Pounds & Ten Shillings.

TO Sylvester Morrice for work done by him on Copsy Battery by order of Alderman Schuyler in September in this present Year, One Thousand Seven Hundred & Fifty The Sum of one Pound four Shillings and Three pence.

TO Brandt Schuyler Esq'r for monies advanced by him for Repairing the Batteries in the City of New York in June & September in this present Year one Thousand Seven Hundred & Fifty The Sum of one Pound Two Shillings and Six Pence.

TO the Executors or Administrators of John Roseveit & William Roome late Commissioners of Fortifications, for money advanced by Them in & about the Fortifications of this Colony the Sum of Forty nine Pounds five Shillings & Ten pence.

TO Philip Ver Plank Esq'r for Surveying & Laying out the Ground to Erect a Curtain about the City of New York & Drawing a Plan of the Same in the Year one Thousand Seven Hundred & Forty Seven, The Sum of Fourteen Pounds.

TO the Corporation of the City of Albany for monies advanced by Them for repairing the Fortifications about the said City for Supplying Fire wood & Candles for their Night Watches & for Providing Powder & Ball for their poor Inhabitants in the late War, The Sum of Two Hundred & Fifty Pounds.

TO Adam Van Deberg for Lodging Victualing & Furnishing Liquors for Fourteen Indians of the Six Nations Seven Days in the Year one Thousand Seven Hundred & Forty Eight, The Sum of Twenty Pounds Seventeen Shillings & four Pence.



TO Captain Benjamin Stoddard for his Time & Trouble in going to Canada to treat with the Governour there about the exchange of Prisoners in the Year one Thousand Seven Hundred & Forty Eight in full of his accompt The Sum of Seventy Eight Pounds & Thirteen Shillings.

TO Arent Stephens who went with Captain Stoddard on the above Service in full of his demand the Sum of Thirty Three pounds & Six Shillings.

TO John Visser who went with Cap't Stoddard, on the above Service in full of his demand, The Sum of Thirty Three Pounds & Six Shillings

TO David Abeel who went with Captain Stoddard on the Same Service one Hundred & Eleven Days at Three Shillings per Diem, The Sum of Sixteen Pounds & Thirteen Shillings.

TO Peter Truax who went with Captain Stoddard on the Same Service The Sum of Sixteen Pounds & Thirteen Shillings.

TO Jonathon Stephens who went with Captain Stoddard on the Same Service The Sum of Sixteen Pounds & Thirteen Shillings.

TO Cornelius Gilkirst for the Hire of a Waggon & Horses to accommodate Captain Stoddard & Company to Still Water on the said Service The Sum of one Pound & Seven Shillings

TO Cornelius Van Den Bergh for the Hire of a Waggon & Horses to accommodate Cap't Stoddard & Company to Still Water on the said Service The Sum of Two Pounds & one Shilling.

TO David Abeel for the Expence of his Journey to his Excellency with the Governor of Canadas Letters in October one Thousand Seven Hundred & Forty Eight The Sum of Two Pounds and Eighteen Shillings.

TO John H. Lydius for Sundry Disbursements on account of Monsier Robesin when he came to accompany David Abeel from Canada in the Year one Thousand Seven Hundred & Forty Eight in full of his Accompt The Sum of Four Pounds Sixteen Shillings & nine Pence.

TO Myndert Wempe for his Service as Gun Smith at Oswego, five months in the Year one Thousand Seven Hundred & Forty Eight and for Providing Sundry Materials & Instruments for that Service The Sum of Seventy Six Pounds Two Shillings & Six pence.

TO Hans Hansen & Jacobus Van Styck Esq'r to be paid by Them unto John Baptist Van Epes & Twenty Eight Men, Includ-

ing two Lieutenants and Two Serjants being part of the Militia Posted at Oswego in the Year one Thousand Seven Hundred & Forty Eight for what is due Them for their Pay The Sum of Nine Hundred & Twenty one Pounds Twelve Shillings & Six Pence

TO Hendrick Herkemer for his Services as Gun Smith among the Onondago Indians from October one Thousand Seven Hundred & Forty Eight to April following & for the Pay of two Men to Assist him, and for Providing Sundry Materials & Instruments for that Service The Sum of Seventy Pounds.

TO William Hogan for what is Still due to him for his Service as Second Lieutenant of a Company of Militia posted at Oswego from the Fifteenth of September one Thousand Seven Hundred & Forty four To the Twenty first of November one Thousand Seven Hundred and Forty Six The Sum of Thirteen Pounds & Eight Shillings.

TO William Combs for what is Still due to him for his Service as a private Soldier of the Militia posted at Oswego from the Fifteenth of September, one Thousand Seven Hundred & Forty four, To the Twenty first of November one Thousand Seven Hundred & Forty Six The Sum of Five pounds & Six Pence.

TO Sybrant G Van Schaick for his Service as Lieutenant at Saraghtoga Twenty Three Days at four Shillings per diem in the Year one Thousand Seven Hundred & Forty Six The Sum of Four Pounds & Twelve Shillings.

TO Collonel Philip Schuyler for money advanced by him to Abraham Staats who attended the Garrison at Saraghtoga as Doctor from the Twenty third of July one Thousand Seven Hundred & Forty Six To the Twenty fifth of October following in full of his Accompt The Sum of Twenty Pounds Eight Shillings & ten Pence

TO the said Collonel Philip Schuyler for Sundry Disbursements made by him for the Service of this Colony in the Years one Thousand Seven Hundred & Forty five and one Thousand Seven Hundred & Forty Six in full Discharge of his accompt The Sum of Seventeen Pounds & one Shilling

TO the said Collonel Philip Schuyler to be by him paid unto John Batist Van Eps what is Still due to him for his Service as Lieutenant of Militia at Oswego from the Fifteenth of November one Thousand Seven Hundred & Forty Six To the Fifteenth



of November one Thousand Seven Hundred & Forty Seven The Sum of Fifty Nine Pounds Five Shillings & Six Pence which was directed to be paid unto him by the said Philip Schuyler in & by an Act Entituled an Act to make Provision for Several Services for the Defence & Security of the Frontiers & other Purposes therein mentioned passed in the Twenty first Year of his Majesties Reign, but Remains yet unpaid by reason of the Deficiency of the Fond out of which the Same was then directed to be paid

TO Reyer Boeen for His Service as Gun Smith among the Seneca Indians Six months in the Year one Thousand Seven Hundred & Forty Eight for the Pay of two Men to assist him & for providing Sundry Instruments & Materials for that Service The Sum of Seventy Pounds.

TO Harmen Visher for his Service as Gun Smith among the Cayuga Indians from the first of October one Thousand Seven Hundred & Forty Eight to the Eleventh of April following The Sum of Seventy Pounds.

TO Thomas Williams Jun'r & Company for their Service in going to Canada to Treat touching the Exchange of Prisoners & Carrying with Them Twenty five French Prisoners in order to be Exchanged there in the Year one Thousand Seven Hundred & Forty Eight, The Sum of one Hundred & Twenty Pounds & Six Pence.

TO John H Lydyus for his Disbursments to Thomas Williams Jun'r when he went on the Service aforesaid in Discharge of his Accompt against this Colony the SUM of Thirty one Pounds Seventeen Shillings & nine Pence.

TO Collonel William Johnson for Money advanced by him.....

To Luycas J Windyard for a Birch Canoe for the Service aforesaid The Sum of Four Pounds

TO Peter Williams for Sundrys Furnished by him for the Service aforesaid the Sum of Two Pounds and two Shillings.

TO Harmen Groet for carrying two Birch Canoes from Schenectade to Albany for the aforesaid Service The Sum of one Pound.

TO Edward Collins for Several Services perform'd & Disbursments made by him for the Service of this Colony during the late WAR The Sum of one Hundred & Fifty Pounds.

TO Benjamin Bogart for Thirteen Days Service as Ranger under the command of Cap't Staats at Two Shillings & Six pence per Diem in June one Thousand Seven Hundred & Forty Six, The Sum of one Pound Twelve Shillings & Six Pence.

TO David A Schuyler for his Journey to the Five Nations of Indians in Company with the Indian Interpreter & others in the Year one Thousand Seven Hundred & Forty Six to Invite the Indians to Albany, in Discharge of his accompt, The Sum of Eighteen Pounds & Sixteen Shillings.

TO Nicholas Fort upon his Petition for Relief in consideration of the great Charge & Expence he was put to in going to Canada & Redeeming his Son from Captivity, who was taken Prisoner by the French Indians in the late WAR. The Sum of Fifty Pounds.

TO Peter De Joncourt for his Service as Interpreter of the French Language by Virtue of a Commission from his Excellency, From the Twenty fifth of May one Thousand Seven Hundred & Forty Five, To November, one Thousand Seven Hundred & Forty Eight The Sum of Twenty five Pounds.

TO the said Peter De Joncourt for his Services as Interpreter aforesaid Since that Time, to the Eleventh of September one Thousand Seven Hundred & Fifty The Sum of Twelve Pounds & Ten Shillings.

TO Charles Jandine for Building & Compleating a Stable for his Excellency, & Providing Materials for the Same, The Sum of Three Hundred & five Pounds, two Shillings & Ten Pence.

TO Collonel Philip Schnyler for the Pay of Twenty Eight Men of the Militia of the County of Albany, posted at Oswego under the Command of Cap't Visher and LIEUTENANT Hogan from the Fifteenth of September one Thousand Seven Hundred & Forty Six, To the Twenty first of November following, The Sum of one Hundred & thirty Three Pounds, Twelve Shillings & Six Pence.

UNTO Captain Peter Dow for Money advanced by him unto Collonel William Johnson in August one Thousand Seven Hundred & Forty Nine for redeeming french Prisoners from the Indians of the Six Nations, for Cloathing the Said Prisoners, and for fitting out & Sending proper Persons to Canada to treat with the Governor there touching the mutual Exchange of Prisoners taken during the late WAR, the Sum of Six Hundred & Forty Six Pounds.



UNTO Cornelius Van Horn & Paul Richard Esq's for the Expencc of Hiring three Vessells & providing Provisions & all other Necessaries attending the Same in the Year one Thousand Seven Hundred Forty Eight for transporting Two Hundred & Two french & Spanish Prisoners of WAR to the french & Spanish West India Islands, in order to be exchanged for Such of his Majesties Subjects as were Prisoners among the Enemy, and for the Expencc of providing all necessarys for. (& transporting) Twenty five french Prisoners to Albany in the Same Year, in order to be Sent to Canada & exchang'd there the Sum of Six Hundred & Ninety Six Pounds, Six Shillings & Seven Pence.

UNTO Derick Ten Broek & John Cuyler for their Service & Expencc in receiving, storeing & issuing out Provisions to the Forces at Albany in the Years one Thousand Seven Hundred & Forty Six, one Thousand Seven Hundred & Forty Seven, and one Thousand Seven Hundred & Forty Eight, The Sum of Nine Hundred & Fifty five Pounds, three Shillings & Seven Pence three farthings, including the Sum of Two Hundred & Sixty Pounds, Fourteen Shillings & Eight pence farthing. paid by Them for transporting Provisions to the Several Places where the said Forces were Posted, and the Sum of one Hundred & Fifty Eight Pounds four Shillings & nine Pence half penny paid by Them for Provisions, for victualing Six Companys of the said Forces in October one Thousand Seven Hundred & Forty Eight after the Provisions Sent from New York were expended.

TO Jacobus Van Zandt for mending the Pump at Fort George & providing SUNDRY Materials for the said Service in the Year one Thousand Seven Hundred and Forty nine The Sum of Three pounds one Shilling & Six pence.

TO Abraham Lodge for Monies advanced by him in behalf of the Corporation of the City of New York to Sundry Persons for Lodging and Victualing french Prisoners in the year one Thousand Seven Hundred & Forty Eight The Sum of Twenty Nine Pounds & Six Shillings

TO Alixander Lamb Door Keeper to the General Assembly for Providing Fire Wood and for Several other Disbursements for the use of the General Assembly, The Sum of Twenty Pounds Ten Shillings & nine Pence.

TO Charles Jaundine to be by him employed in the Finishing and Compleating, what is Still necessary to be done to the

House in Fort George, for building a cover over the Fort Gate, for repairing the Fences round the Fort Pasture, and for Providing proper Materials for the said Services, The Sum of one Hundred & Seventy two Pounds Ten Shillings, and the said Charles Jaundine and John Tiebout before mentioned Shall keep exact Books of the Disposition of the monies Lodged in their hands respectively, for the Several and respective Services to be performed by Them, and True and Just Accounts thereof, Each for himself Shall on oath deliver, unto the Governor or Commander in Chief for the Time being, to the Council, or to the General Assembly, when by them, or any of them thereunto required.

AND be it further Enacted by the Authority aforesaid That the Receipts of the Several Persons aforesaid for the Several and Respective before mentioned Sums Shall be to the Treasurer good Vouchers and Discharges for the Same.

AND be it further Enacted by the Authority aforesaid, That it Shall and may be lawfull for the Treasurer to retain in his Own Hands out of the Fonds aforesaid, The Sum of Four Hundred Pounds for his Sallary as Treasurer of this Colony from the first day of September one Thousand Seven Hundred & Forty Eight, To the first Day of September one Thousand Seven Hundred & Fifty, and for his Extraordinary Services in that Station during the said Time, the further Sum of Two Hundred Pounds, which said two Sums amounting in the whole to the Sum of Six hundred Pounds Shall be allowed a good Discharge to him for so much in his Accounts.

And whereas there are Several Persons who have had monies Lodged in their hands during the late War, to be applied to Sundry Services then necessary for the Defence & Security of this Colony, according to the Directions of Several Acts passed for that Purpose, which said Services being now Performed and Ballances Still remaining in the hands of Several of the said Persons in favour of this Colony. BE IT ENACTED by the Authority aforesaid That all and every the said Several Persons who have any ballances in their hands due to this Colony as aforesaid, Shall be & hereby are directed and required within Two months next after the Publication of this Act, To repay unto the Treasurer of this Colony all Such Balances, as so remain in their Hands, and in Case any of the said Persons Shall refuse neglect or delay to make their said Payments within the said Time, The said Treasurer is in Such



case hereby Impowered and Directed in his own Name, to Sue for all Such Ballances as Shall so remain unpaid, and on receiving the Same, Shall apply the Money towards Paying and Discharging the foregoing Allowances & the Receipts of the said Treasurer, Shall be to the said Several & respective Persons good DISCHARGES for the Same

AND BE IT FURTHER ENACTED by the Authority aforesaid That one Act Entituled an Act for the paying of Five Thousand Pounds towards the Expedition carrying on against Cape Breton passed in the Nineteenth Year of his Majesties Reign, Shall be & hereby is repealed, and every Clause Matter & Thing therein contain'd, Declared to be null & void to all Intents Constructions and Purposes whatsoever, and the Treasurer of this Colony Shall be & hereby is impowered and required to apply Such Part of the aforesaid Five Thousand Pounds as remains in his hands towards Paying & Discharging the Several Sums of Money directed to be paid by this Act.

AND be it further Enacted by the Authority aforesaid That Abell Hardenbrook Keeper of the Publick Magazine Shall be & hereby is impowered & authorized to Sell all the Gun Powder which is Still remaining of what has been put into his Hands by virtue of Several Acts of this Colony and all the monies arising by the Sale thereof, to Pay from Time to Time as the said Gun Powder Shall be Sold; into the Hands of the Treasurer of this Colony, and the Receipts of the said Treasurer Shall be to the said Abell Hardenbrook good Vouchers & Discharges for the Same, which said Sums of Money when received by the said Treasurer Shall by him be applyed towards paying & Discharging the Several Sums of Money directed to be paid by this Act.

AND WHEREAS Several Sums of Money which were directed to be Paid by an Act Entituled an Act to make Provision for Several Services for the Defence and Security of the Frontiers & other Purposes therein mentioned passed in the Twenty first Year of his Majesties Reign, remain Still unpaid by reason of the Deficiency of the Fond out of which the Same were directed to be paid, Be it Enacted by the authority aforesaid That the Treasurer of this Colony Shall be & hereby is Impowered & required out of the before mentioned Fonds to pay all Such Sums of Money as were directed to be paid by the said act & remain Still unpaid by reason of the Deficiency of the Fonds out of which the Same were then directed to be paid.

AND be it further Enacted by the Authority aforesaid That the Treasurer Shall, and is hereby impowered & required to pay unto the Executors or Administrators of John Rosevelt & William Roome late Commissioners of Fortifications, The Sum of Two Hundred & Eight Pounds fifteen Shillings, advanced by the said John Rosevelt & William Roome for Erecting a curtain of Stockadoes to enclose the City of New York, which said Sum the Said Treasurer is hereby directed to pay out of the Monies in his Hands by virtue of an Act Entituled an Act for raising the Sum of Three Thousand, Three Hundred & Seventy five Pounds by a Publick Lottery for this Colony for the more Effectual Fortifying the City of NEW YORK passed in the Nineteenth Year of his Majesties Reign, any Thing in any other Act to the Contrary notwithstanding, and their Receipts for the said Sum Shall be to the said Treasurer good Vouchers & Dicharges for the Same.

AND be it further Enacted by the Authority aforesaid, That when all the Several Sums of Money Directed to be paid by this Act Shall be paid, all the Residue of the Money arising by the aforesaid Fonds Shall remain in the Treasury to be disposed of by Act or Acts hereafter to be Passed for that Purpose and not otherwise.

AND be it further Enacted by the Authority aforesaid That the Treasurer Shall keep exact Books of all his Receipts & Payments by virtue of this Act, and Shall render True & distinct Accounts thereof on oath to the Governor or Commander in Chief for the Time being to the Council or to the General Assembly, when by Them or any of Them thereunto required.

#### [CHAPTER 901.]

[Chapter 001 of Livingston & Smith and Van Schaack, where the title only is printed. Expired September 1, 1751.]

An Act for the Payment of the Salaries & Services therein mentioned to the first of September one Thousand Seven Hundred & Fifty one.

[Passed, November 24, 1750.]

BE IT ENACTED by his Excellency the Governor the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Treasurer of this Colony Shall be and hereby is Directed out of the Fonds appropriated to the



annual Support of the Government of this Colony, to pay at the Times and in the manner herein after directed, The Several Salaries & Allowances following, to wit

TO his Excellency the Governor for Administring the Government of this Colony from the first Day of September one Thousand Seven Hundred & Fifty, To the first Day of September which will be in the Year one Thousand Seven Hundred and Fifty one, after the Rate of one Thousand five Hundred and Sixty Pounds per Annum.

TO his said Excellency the Governor, or the Commander in Chief for the Time being, for Fire Wood & Candles for his Majesties Garrison in the City of New York, from the Thirteenth Day of June, one Thousand Seven Hundred & Fifty To the Thirteenth Day of June one Thousand Seven Hundred & Fifty one, The Sum of Four Hundred Pounds.

TO his said Excellency the Governor after the first Day of April next for Presents to the Six Nations of Indians The Sum of Eight Hundred Pounds which said Sum is to be laid out in proper Goods & distributed in Presents to & among the said Indians when his Excellency Shall go to Albany to renew the Treaty with Them there.

TO his Said Excellency the Governor after the Said first Day of April next, for the Expence of his Voyage to Albany when he goes to renew the Said Treaty with the Six Nations of Indians there the Sum of one Hundred & Fifty Pounds

TO John Van Renselaer for Providing Fire Wood & Candles for the Garrisons in the Forts at Albany, Schenectade & Fort William from the first of September one Thousand Seven Hundred & Fifty, To the first Day of September one Thousand Seven Hundred & Fifty one, The Sum of Two Hundred and Fifty Pounds.

TO Arent Stephens for his Salary as Indian Interpreter & all other Services which he has been, or Shall be Directed to do by the Governor or Commander in Chief for the Time being from the first Day of September one Thousand Seven Hundred & Fifty To the first Day of September one Thousand Seven Hundred & Fifty one after the Rate of Sixty Pounds per Annum.

TO James De Lancey Esq'r as Chief Justice of the Supreme Court of this Colony, and for going the Circuits from the first Day of September One Thousand, Seven Hundred & Fifty To

the first Day of September one Thousand Seven Hundred & Fifty one after the rate of Three Hundred Pounds pr Annum

TO Frederick Philipse Esq'r as Second Justice of the Supreme Court & going the Circuits from the first Day of September one Thousand Seven Hundred & Fifty To the first Day of September one Thousand Seven Hundred & Fifty one after the Rate of one Hundred Pounds per Annum.

TO the Secretary of this Colony for the Time being for En-grossing & Enrolling the Acts of the General Assembly, from the first Day of September one Thousand Seven Hundred & Fifty To the first Day of September one Thousand Seven Hundred & Fifty one The Sum of Thirty Pounds.

TO the Clerk of the Council for the Time being for his Service in that Station from the first of September one Thousand Seven Hundred & Fifty, To the first Day of September one Thousand Seven Hundred & Fifty one The Sum of Thirty Pounds.

TO the Door Keeper of the Council for the Time being for his Service in that Station, from the first Day of September one Thousand Seven Hundred & Fifty To the first Day of September one Thousand Seven Hundred & Fifty one, The Sum of Twenty Pounds.

TO James Parker as Publick Printer from the first of September one Thousand Seven Hundred & Fifty, To the first of September one Thousand Seven Hundred & Fifty one after the Rate of Fifty Pounds pr Annum

TO Adolph Brass as Land & Tide Waiter of the Colony Duties, or to the Land & Tide Waiter thereof for the Time being from the first of September one Thousand Seven Hundred & Fifty, To the first of September one Thousand Seven Hundred & Fifty one after the Rate of Thirty Pounds per Annum

TO John Kip as Gauger of Liquors Subject to the Said Duties, or to the Gauger thereof for the Time being from the first Day of September one Thousand Seven Hundred & Fifty To the first Day of September one Thousand Seven Hundred & Fifty one after the Rate of Thirty Pounds per annum

TO John Waldron as Keeper of the Colony Stores of War for his Service in that Station from the first Day of September one Thousand Seven Hundred & Fifty, To the first Day of September one Thousand Seven Hundred & Fifty one after the Rate of Twenty Pounds per Annum.



ALL which before mentioned Several Allowances Shall be paid by the Treasurer on Warrants issued in Council Signed by the Governor or Commander in Chief for the Time being by & with the Advice & consent of the Council quarterly, or at the respective Times mentioned in the said Allowances, Provided the said Warrants do not exceed the Several & respective Sums before mentioned and the receipts of the said Several Persons endors'd on the said Warrants Shall be to the Treasurer Good Vouchers & Discharges for as much as Shall thereby be acknowledged to be received.

AND be it provided & Enacted by the Authority aforesaid, That if his Excellency, Shall happen to Die or be Superseeded in the Administration of this Government, or that Any of the before mentioned officers should happen to die or be removed from their respective Offices before the first Day of September which will be in the Year of our Lord one Thousand Seven Hundred & Fifty one, Warrants may be issued in Manner as aforesaid for so much only out of the respective Sum or Sums allowed in this Act, as at the Time of Such Death Superseedure or Removal, Shall really be due to him or Them, and if Such Warrant or Warrants exceed not Such Arrear, the Treasurer Shall pay the Same, to Such officer or officers respectively or to his or their Executors Administrators or Assigns, & the Remainder of Such Allowance or Allowances Shall remain in the Treasury until Disposed of by Act or Acts hereafter to be passed for that Purpose

AND be it further Enacted by the Authority aforesaid That the said Treasurer Shall out of the Fonds aforesaid Pay the following Allowances, to wit.

TO Robert Charles Esq'r Agent for this Colony in great Brittain for his Service in that Station from the first of September one Thousand Seven Hundred & Fifty, To the first of September one Thousand Seven Hundred & Fifty one after the Rate of Two Hundred Pounds per Annum, which said Sum Shall be paid by an order of the General Assembly of this Colony Signed by the Speaker of the Same for the Time being & not otherwise.

UNTO George Duncan Clerk of the General Assembly for his Service in that Station from the first Day of September one Thousand Seven Hundred & Fifty To the first Day of September one Thousand Seven Hundred & Fifty one Twelve

Shillings per Diem on a Certificate from the General Assembly Signed by the Speaker for the Number of Days he has Served or may Serve the General Assembly

To the said George Duncan for his Extraordinary Service to the General Assembly the Sum of Twelve Pounds & his Receipt Shall be a good Discharge to the Treasurer for the Same.

TO Alixander Lamb Door keeper to the General Assembly for his Service in that Station from the first Day of September one Thousand Seven Hundred & Fifty To the first Day of September one Thousand Seven Hundred & Fifty one Five Shillings per Diem on a Certificate from the General Assembly Signed by the Speaker for the number of Days which he has Served or may Serve the General Assembly.

TO Abraham De Peyster Treasurer of this Colony for his Service in that Station from the first Day of September one Thousand Seven Hundred & Fifty To the first Day of September one Thousand Seven Hundred & Fifty one after the Rate of Two Hundred Pounds per Annum.

And for the Extraordinary Service which he is now oblig'd to perform over and above the usual Duty of his office after the rate of one Hundred Pounds pr Annum, which said Sums or so much thereof as Shall be really due Shall be allow'd to the said Abraham De Peyster, or to his Executors or Administrators good Discharges for so much in his or their Accounts.

AND be it further Enacted by the Authority aforesaid That the Treasurer Shall keep exact Books of the Several Payments which he is directed to make by this Act, and render True & just Accounts thereof on oath to the Governor or Commander in Chief for the Time being, to the Council or to the General Assembly when by them or any of them thereunto required.



## [CHAPTER 902.]

[Chapter 903 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for Naturalizing Jacobus Tiedeman, Lodwyck Bamber, Margret Bamber, Adrian Houtvat, Haeman Levy, James Herpain, Isaac Van Haeren Caspel Englebert Kemmanne, Godfery Miller, John Smith, Jacob Matchker, Charles Shelts, Hendrick Snyder, John Frederick Neithe, John Watsell, John Bury, John Kettleman, Joseph Casset Marchand Cordt Arendt Flaake, Peter Lorin, Charles John Duten, Johannes Van Beverhoudt Gloudisz, Claudius Van Beverhoudt, Johannes Van Beverhoudt, Bertrand Van Beverhoudt, Berand Langemack Van Beverhoudt, Barns Robinson, John Anderson, Godfrey Hoin, Margarett Van Beverhoudt, John Colon, Conradt Kults, Michael Smith William Voogt & Elias Bonnain

[Passed, November 24, 1750.]

WHEREAS the above named Persons have by their Petition presented to the General Assembly desir'd that They may be Naturaliz'd & become his Majesties Leige Subjects within this Colony.

BE IT ENACTED by his Excellency the Governor the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above named Jacobus Tiedeman, Lodwyck Bamber, Margret Bamber, Adrian Houtvat, Haeman Levy, James Herpain, Isaac Van Haeren Caspel, Englebert Kemmanne, Godfery Miller, John Smith, Jacob Matchker, Charles Shelts, Hendrick Snyder, John Frederick Neithe, John Watsell, John Bury, John Kettleman, Joseph Casset Marchand Cordt Arendt Flaake, Peter Lorin, Charles John Duten, Johannes Van Beverhoudt Gloudisz, Claudius Van Beverhoudt, Johannes Van Beverhoudt, Bertrand Van Beverhoudt, Berand Langeanack Van Beverhoudt, Barns Robinson, John Anderson, Godfrey Hoin, Margarett Van Beverhoudt, John Colon, Conradt Kults, Michael Smith, Voogt & Elias Bonnain Shall be & hereby are Declared to be Naturalized to all Intents, Constructions & Pur-

poses whatsoever, and from henceforth and at all Times hereafter Shall be Entitled to have & Enjoy all the Rights, Liberties, Priviledges & Advantages which his Majesties Natural born Subjects in this Colony have and Enjoy or ought to have & Enjoy as fully to all Intents & Purposes whatsoever, as if all & every of Them had been born within this Colony.

PROVIDED always and it is hereby further Enacted by the Same Authority, That all & every & Each of the before mentioned Persons, Shall take the oaths appointed by Law in Stead of the oaths of Allegiance & Supremacy, Subscribe the Test, & make repeat Swear to & Subscribe the Abjuration oath in any of his Majesties Courts of Record within this Colony, which oath the said Courts are hereby required upon application to Them made to Administer take Subscriptions, and cause the Names of the Persons so Swearing & Subscribing to be Entered upon Record in the said Court and the said before mentioned Persons are Each of Them hereby required to Pay the Several Sums herein after mentioned, That is to Say, To the Speaker of the General Assembly, The Sum of Ten Shillings, To the Judge of the Court the Sum of Six Shillings, and to the Clerk of Such Court the Sum of Three Shillings.

AND be it further Enacted by the Authority aforesaid, That if the said Persons or any of Them having so Sworn & Subscribed as aforesaid, Shall demand a Certificate of his or their being Entered upon Record in the manner herein before Directed, The Court or Courts in which, Such Oaths & Subscriptions Shall be made, are hereby directed & Required to grant Such under the hand of the Judge & Seal of the said Court or Courts, in which Such Oaths & Subscriptions as afoersaid Shall be made Counter Signed by the Clerk of the Said Court, for which Certificate Each of them Shall Pay over & above the Sums before mentioned, The Sum of Six Shillings, one half to the Judge of Such Court, and the other half to the Clerk thereof, which Certificate or Certificates Shall at all Times be to the Person or Persons therein named a Sufficient Proof of his or their being Naturalized by virtue of this Act, in as full & Effectual a manner, as if the Record aforesaid was actually Produced by the Person or Persons so named in Such Certificate.

PROVIDED also and be it further Enacted by the Authority aforesaid That Such of the Persons hereby Naturalized as Shall not take the oaths Test & Abjuration in manner herein before



Directed within Nine Months after the Publication hereof, Shall have no manner of benefit by this Act, any Thing therein contained to the Contrary notwithstanding.

[CHAPTER 903.]

[Chapter 902 of Livingston & Smith and Van Schaack, where the title only is printed. Provided for by chapter 917.]

An Act for the Relief of Insolvent Debtors  
with Respect to the Imprisonment of their  
Persons

[Passed, November 24, 1750.]

WHEREAS many Persons by Losses and Other Misfortunes, are Rendered Incapable of Paying their whole Debts, and though they are willing to make the utmost Satisfaction they Can, are nevertheless detained in Prison by their Creditors, and whereas Such unhappy Debtors have always Been Deemed the Proper Objects of Publick Compassion, Therefore, for the Relief of such Prisoners who Shall be Willing to Satisfy their Creditors as far as they are Able

BE IT ENACTED by the Governour, Council and General Assembly, and it is hereby Enacted by the authority of the same that if any Person or Persons Confin'd in Execution for the Space of three months or longer before the Publication of this Act, whose Debts do not Exceed in the whole the sum of Fifty pounds Current money of this Colony, Shall be minded to deliver up to his, her or their Creditors all his her or their Effects, towards the Satisfaction of such Debts, It Shall and may be Lawfull for such Prisoners to Exhibit a Petition to any of the Courts of Law within this Colony, or to any one Judge and three Assistants thereof, from whence the Process Issued, upon which he, she, or they, was or were taken in Execution, Certifying the Cause or Causes of his, her or their Imprisonment, and an Account of his, her, or their whole Estate both Real and Personal with the dates of the Security's wherein any Part of it Consists and the Books, Deeds and notes Relating thereunto, with the names of the Witnesses to the same, so far as his, her, or their Knowledge Extends thereto, and upon such Petition the Court, or Judge and three Assistants, may and are hereby Required by Rule of Court, or Order of the Judge and Assistants to Cause the Prisoner to be Brought before them, and the Several Creditors at whose Suit or Suits

he, she, or they Stand Charg'd, and all Other his or her Creditors that are or Can be Known to the Court or the Judge and Assistants to be Summoned to appear, Personally or by their Attornies, at a day to be appointed for that Purpose, and upon the day of such appearance, if any of the Creditors Summoned Refuse or Neglect to appear upon Affidavit made of the due Service of such Rule or Order or upon Affidavit made that the Creditor or Creditors are not to be found, the Court, or the Judge and Assistants, Shall in a Summary way Examine into the matter of the said Petition and hear what Can or Shall be Alledged on Either side for or against the Discharge of such Prisoner and upon such his Examination the Court, or the Judge and Assistants, may, and are hereby Required to Administer or tender to the Prisoner an Oath or Affirmation to the Effect following which Oath or Affirmation the said Court or the Judge and Assistants are hereby, Impowered to administer, I, A, B, do Solemnly Swear in the presence of Almighty God (or being of the people Called Quakers, Sincerely and Truely Declare and Affirm) that the account by me Deliver'd in my Petition, doth Contain a full and true Account of all my Real and Personal Estate, Debts, Credits, and Effects whatsoever, which I, or any in Trust for me have, or at the time of my Petition had, or am, or was, in any Respect, Intitled to, in Possession, Remainder or Reversion, Except the wearing Apparel and Bedding for me and my Family, and the tools & Instruments of my trade or Calling, not Exceeding Five pounds in Value in the whole, and that I have not at any time Since my Imprisonment or before directly or Indirectly Sold Leased Assigned or otherwise disposed or made Over in trust for myself or Otherwise, Other than is mentioned in such account, any Part of my lands Estate Goods, Stock, money, Debts, or other Real and Personal Estate whereby to have or Expect any Benefit or Profit To my Self or to defraud any of my Creditors to whom I am Indebted.

AND in Case the Prisoner shall in open Court or before a Judge and Assistant take the said Oath or Affirmation, and upon such Examination and his, or her, taking the said Oath or Affirmation, the Creditors Shall be Satisfyed with the Truth thereof; the Court or the Judge and Assistants may Immediately Order the Lands Goods and Effects Contained in such Account; or so much of them as may be Sufficient to Satisfy the debts Wherewith he, or She, is or Shall be Charged, together with



Costs of Suit, and the Fees due to the Keeper of the Goal or Prison from which the Prisoner was brought to be by a Short Indorsement on the back of such Petition, Signed by the Prisoner, Assigned to the said Creditors, or one, or more of them, in trust for the Rest of them, or to some proper Person, to be by the said Court, or by the Judge and Assistants appointed in trust for all the Creditors, and by such Assignment, the Estate, Interest and Property, of the lands, Goods, Debts and Effects so Assigned, Shall be Vested in the Person or Persons to whom such Assignment is or Shall be made, who may take Possession of or sue for the same, in his or their own name or names in like manner as Assignors of Commissioners of Bankrupts, to which Suit, no Release of the Prisoner, his, or her, Executors, or Administrators, or any Trustee, for him or her Subsequent to such Assignment, Shall be any barr, and Immediately upon such Assignment Executed the said Prisoner Shall be Discharged out of Custody by order of Court, or of the Judge and Assistants and such Order Shall be a Sufficient Warrant to the Sheriff, Goaler or keeper of such Prison to discharge the said Prisoner, if detained for the Causes mentioned in Such Petition, and no Other, and he is hereby Required to Discharge and set him at Liberty forthwith without Fee, nor Shall such Sherriff or Goaler, be Liable to any Action of Escape or other suit or Information upon that Account, and the Person or Persons to whom the said Effects shall be Assigned, Paying the Fees to the Goaler or keeper of the Prison in whose Custody the Party Discharged was, Shall and are hereby Required to Divide the Effects so Assigned among the Creditors, and all the Persons for whom they shall be Intrusted in Proportion to their Respective Debts but in Case the Person or Persons at whose suit Such Prisoner was Charged in Execution, or any other Creditors Shall not be Satisfyed with the truth of such an Oath or Affirmation but Shall desire further time to Inform himself of the matters Contained therein the said Court or the Judge and Assistants, may and Shall Remand the said Prisoner, and direct the said Prisoner and the Person or Persons Disatisfyed with such Oath or Affirmation to appear at another day, to be Appointed by the said Court, or the Judge and Assistants, and if at such Second day so to be appointed the Creditor or Creditors so disatisfyed with such Oath or Affirmation, Shall make default in appearing, and In case he or they Shall Appear but

Shall be unable to discover any Estate or Effects of the Prisoner, Omitted in such his or her Petition or to Shew any Probability of his, or her having been foresworn or to have declared falsely in the said Oath or Affirmation, then the said Court, or the Judge and Assistants Shall Immediately Cause the said Prisoner to be Discharged upon such Assignments of his or her Effects in manner as Aforesaid unless such Creditor or Creditors Do Insist upon his or her being Detained in Prison, and Do agree, by Writing under his hand to pay and allow any sum of money that shall be Assessed by the said Court, or by the Judge and Assistants, not Exceeding three Shillings Per week unto the said Prisoner, to be paid the monday of Every week so long as he or she Shall Continue in Prison at his her or their Suits, on failure of the Payment of which weekly sum at any time the said Prisoner shall forthwith upon Application to the Court or to the Judge and Assistants be discharged by such Order as Aforesaid but In Case the said Prisoner Shall Refuse to take the said Oath or Affirmation or having taken the same Shall be Detected of Falsity therein he or they Shall be Presently Remanded

AND BE IT FURTHER ENACTED by the Authority aforesaid, that no Person to be Discharged Shall at any time hereafter be Imprisoned by Reason of any Judgment or decree Obtained for Payment of money only, or for any Debt Cost Sum or Sums of money CONTRACTED Occasioned owing or Growing due before the time of his or her discharge but that upon Every arrest, every such Judgment or decree for such Debts, Cost, sum, or Sums of money it Shall and may be Lawfull for any Judge of the Court, where the Process Issued, upon Shewing the Duplicate of such Prisoners Discharge or Discharges, to Release and discharge out of Custody such Prisoner or Prisoners as aforesaid, and the Judge is hereby Impowred So to do so as every such Prisoner or Prisoners, Arrested or detained upon Execution as aforesaid do give a Warrant of Attorney to appear to Every such Action and Plead thereunto.

AND BE IT FURTHER ENACTED by the authority aforesaid that if any Action of Escape, or any suit or action be brought against any Sherrieff, Goaler, or Keeper of any Prison, for Performing their Office in Pursuance of this Act, they may Plead the General Issue, and give this Act in Evidence, and if the Plaintiff be non Suited, or discontinue his action or Verdict



Pass against him or Judgment upon Demurrer, the Defendant Shall have treble Costs, Provided that the discharge of any Person by Virtue of this Act, Shall not acquit any other Person from such Debts, Sum, or sums of money, or any Part thereof, but that all Others Shall be answerable for the same, In such manner as before the Passing of this act, and Provided that this Act Shall not EXTEND to discharge any Person out of Prison who Shall Stand Charged at the Suit of the CROWN only

PROVIDED ALWAYS AND BE IT FURTHER ENACTED by the authority aforesaid that notwithstanding the discharge of the Person of such Prisoner or Prisoners as aforesaid, all and every Debt or Debts due and Owing from the said Prisoner or Prisoners and all and every Judgment or Judgments had and taken and decree obtained against him or her Shall Stand and be good and Effectual in the Law to all Intents and Purposes, against the lands Tenements Hereditaments Goods and Chattels of the said Prisoner so discharged as Aforesaid, which he, She, or they, or any Person or Persons in trust for him, her, or them at the time of such discharge hath or have or at any time hereafter Shall or may be in any wise Levied or Possessed of Interested in, or Intitled to, either in Law or Equity, Except his, her or their wearing Apparel Bedding for his her, or their families, and working Tools and Implements Necessary for his her or their Occupations not Exceeding the Value of Five pounds in the whole and It Shall and may be Lawfull to and for such Creditor or Creditors of such Prisoner or Prisoners so discharged as Aforesaid, his, her, or their Executors or Administrators to take out a new Execution against the Lands Tenements Hereditaments Goods and Chattles of such Prisoner or Prisoners (Except as before Excepted) for the Satisfaction of his, her, or their debts in such Sort manner and Form as he, she, or they might have done, if the Person or Persons of such Prisoner or Prisoners had never been taken in Execution as Aforesaid, any Act, Statute, Law, or Custom to the Contrary in any wise notwithstanding

PROVIDED ALSO AND BE IT FURTHER ENACTED by the Authority Aforesaid, that if any such Person who Shall take such Oath or Affirmation as aforesaid Shall upon any Indictment for Perjury in any matter, or Particular Contained in the said Oath or Affirmation be Convicted by his or their own Confession or by Verdict of Twelve men as he or She may

be by force of this act, the Person so Convicted Shall Suffer all the Pains and forfeitures which may by Law be Inflicted, on any Person Convicted of Willfull Perjury and Shall likewise be liable to be taken on any Process, de novo, and Charged in Execution for the said Debts in the same manner as if, he or She had never been discharged or taken in Execution before and Shall never After have any benefit of this act

PROVIDED ALSO, AND BE IT FURTHER ENACTED by the authority aforesaid that if the Effects so assigned Shall not Extend to Satisfy the whole debts due to the Creditors of the Person or Persons so Discharged and the fees due to the Goaler, there Shall be an abatement in Proportion and such Goaler Shall Come in as a Creditor for what Shall be then due to him for his fees in Proportion with the other Creditors

AND BE IT FURTHER ENACTED by the authority aforesaid that where there are mutual Debts, between the Debtor or Debtors and his, her, and their Creditors, or if either Party Sue or be Sued, as Executors or Administrators, where there are any mutual Debts, between the Testator Or Intestate and Either Party, one Debt Shall be set against the Other and such matter may be given in Evidence upon the General Issue or Pleading in barr as the nature of the Case Shall Require so as at the time of the Pleading the General Issue, where any Such Debts of the Plaintiff his Testator or Intestate is Intended to be Insisted on in Evidence, Notice Shall be given of the Particular sum, or debts so Intended to be Insisted on and upon what Accompt it became due, Otherwise Such matter Shall not be Allowed in Evidence upon the General Issue PROVIDED that where any Rent Shall be due from any Prisoner or Prisoners at the Time of his her or their Respective Discharge no Goods or Chattels, then lying or being on or upon the Respective Tenements or Lands so in Lease or liable to be distrained Shall be Removed or Disposed of without the Consent of the Land Lord or Person to whom the Rent is due, untill the same be paid or Satisfyed and that the Landlord may use all Lawfull ways for the Having and Recovering his Rent so as that The same Exceed not One, years Rent by Distress or Otherwise as he might have had or Could have done before the making this Act anything herein Contained to the Contrary in any wise notwithstanding AND PROVIDED Also that this Act Shall not barr any Absent or Distant Creditor who had not



notice of the Prisoners application to the Court or the Judge and Assistants as Aforesaid

AND BE IT FURTHER ENACTED by the authority Aforesaid that this Act Shall be of force from the Publication thereof, until the first day of November which will be in the year of our Lord One Thousand Seven Hundred and Fifty One

[CHAPTER 904.]

[Chapter 904 of Livingston & Smith, where the act is printed in full. Chapter 90 of Van Schaack, where the title only is printed. Continued by chapter 923.]

An Act to Regulate the Gauging of Rum, Brandy and other Distilled Liquors & Mollasses & other Purposes therein Mentioned

[Passed, November 24, 1750.]

WHEREAS great abuses are committed in Gauging of Casks of Rum & other Spirituous Liquors & Mollasses Sold in this Colony, to prevent which

BE IT ENACTED by his Excellency the Governor the Council & the General Assembly, and it is hereby Enacted by the authority of the Same, that all Cask containing either Rum, Brandy, or any other Spirituous Liquors, or Mollasses, That Shall be Sold in the City of New York by the Gallon in Cask after the Twenty fifth Day of March next, Shall before the Sale thereof, be Gauged by the Slyding Gunter Justly to Ascertain the Number of Gallons contained in Such Cask, which Gauging Shall be Perform'd by John Kip Gauger of Liquors Subject to Dutys within this Colony or by the Gauger thereof for the Time being, or by Deputies by him appointed, unless the Buyer & Seller agree to the Contrary, which said Gauger & his Deputies Shall first be duly Sworn well truly & faithfully to execute the Duty of the said office, for which Gauging he or they Shall receive for each Cask so Gauged by him or Them the Sum of Four Pence & no more.

AND be it further Enacted by the Authority aforesaid That any Person or Persons That Shall after the Twenty fifth of March next Presume to Sell any Rum, Brandy or other Spirituous Liquors or Mollasses without first causing the Same to be Gauged in the manner above directed, He, she or They so offending, Shall Pay for every Such offence The Sum of Forty Shillings, to be recovered as Debts of Forty Shillings & under are Recoverable in this Colony by any Person or Persons who Shall

Sue for & prosecute the Same to Effect with the full cost of Suit

AND be it Enacted by the authority aforesaid, That all Madera Wine Imported into this Colony from & after the first Day of January one Thousand Seven Hundred & Fifty one, Shall be in Pipes containing not less than one Hundred & Twenty Gallons, or in Hogsheads, containing not less then Sixty Gallons, or in quarter Casks containing not less than Thirty Gallons on the Forfeiture of Five Pounds for every Pipe, and in the like Proportion for every Hogshead & Quarter Cask so imported contrary to the true Intent & meaning of this Act, The contents of all which Pipes, Hogsheads & quarter Casks Shall be ascertained adjudged & determined by the Publick Gauger of this Colony, The one half of which Forfeiture Shall be to the Person or Persons who Shall Sue for & Prosecute the Same to Effect, the other half to the Treasurer of this Colony to be apply'd for & towards the Support of the Government of this Colony.

AND be it Enacted by the Authority aforesaid, That this Act Shall be In force from the Twenty fifth Day of March next to the first Day of January which will be in the Year of our Lord one Thousand Seven Hundred & Fifty two

#### [CHAPTER 905.]

[Chapter 905 of Livingston & Smith, where the act is printed in full, Chapter 905 of Van Schaack, where the title only is printed. See chapter 801, which is revived by chapter 1458.]

An Act to alter part of an Act Entituled  
an Act for the better Clearing Regulating &  
further laying out Publick High Roads in the  
County of West Chester

[Passed, November 24, 1750.]

WHEREAS many of the Commissioners for Regulating & Laying out High Ways in the County of Westchester, appointed in & by an Act Entituled an Act for the better Clearing, Regulating, & further laying out Public High Roads in the County of Westchester, passed in the nineteenth Year of his Majesties Reign are Dead, Since the passing the said Act, by which Means the goods Ends & Purposes intended thereby may be defeated, for preventing whereof.

BE IT ENACTED by his Excellency the Governor the Council & the General Assembly & it is hereby Enacted by the



Authority of the Same, That the Several Persons herein after named, To wit

For Westchester & Fordham Edward Stephenson Joshua Hunt & Anthony Bartow

For East Chester, William Pinkney John Burling & Charles Vincent

For New Rochell & Pelham Collonel Anthony Lispenard, Philip Pell & Joseph Rodman.

For Rye & the white Plains Collonel William Willet Jonathan Brown & Gabriel Lynch.

For Memoranack James De Lancey Esq'r John Gedney & Underhill Bud

For Bedford John Holmes, Abraham Miller & Marcus Moesman,

For North Castle George Dennis, Daniel Seaman & James Weeks

For Salem Josiah Gilbert, James Brown Esq'r & Peter Benedict

For the Mannor of Cortland Philip Verplank Esq'r Hercules Lent and Pier Van Cortland.

FOR the mannor of Phillipsburgh Frederick Philipse Esq'r Major Frederick Philipse Nathaniel Underhill & James Van Cortlandt Esq'r Shall be and hereby are, appointed Commissioners to regulate & lay out High Ways in the said County, for the Places for which They are respectively appointed, and Shall be and hereby are vested with as full Power and Authority for that End, To all Intents Constructions and Purposes whatsoever as if they had been Actually named & appointed in and by the aforesaid Act, any Thing therein Contained to the Contrary notwithstanding.

#### [CHAPTER 906.]

[Chapter 906 of Livingston Smith and Van Schaack, where the title only is printed.]

An Act To Impower the Justices of the peace In the County of Ulster to order the Raising of A Sum Not Exceeding the Sum of one Hundred pound for repairing the Goals with In the Said County

Passed, November 24, 1750.]

Where As the goals In the County of Ulster have by Accident of fire been Rendered Insufficient for the Safe keeping of prisoners

Be It Enacted by his Excellency the Governor the Council And the generall Assembly

And It Is hereby Enacted by the Authority of the Same that the Justices of The peace of the County of Ulster or the greater number of them Shall be And hereby Are fully Impowered to Issue their Warrant Under their hands And Seals Directed to the Supervisors of the Said County ordering And Requiering the said Supervisors to Raise The Sume of one Hundered pound or Such part thereof As the Said Justices or the Greater Number of them Shall Judge Necessary at Such time or times As the Said Supervisors Shall Meet to raise the Contingent publick And necessary Charges Of the Said County to be raised Assessed And Collected In the same manner As the Other Contingent Charges of the said County Are

And be It further Enacted by the Authority Afore Said that the Supervisors Of the Said County Shall on Receiving Such warrant As Afore Said from the Said Justices raise Such Sum or Sums of money At the time or times before mentioned As Shall be Directed In the Said Warrant not Exceeding the Sume of one Hundred pounds Upon the Estates Real and personal of all the freholders And Inhabitants Of the Said County together with the other Contingent publick And necessary Charges of the Said County

And be It further Enacted by the Authority Afore Said that the Sum or Sumes of money to be Raised by virtue of this Act Shall be Lodged In the hands Of the County treasurer And be by him paid to Such person or persons who Shall be Imployed by the Said Justices toward repairing the said Goals by Order of the Said Justices And not Otherwise

And be It further Enacted by the Authority Afore Said that if Any Supervisor or Assessor or Collector with In the Said County Shall After the Publication of this Act refuse Neglect or Delay to Doe perform and Execute The Duty Requiered of him or them Respectively by this or Any other act or Acts of this Colony for the raising of Any Sum or Sums or money on the free holders And Inhabitants of the Said County Each And Every of the Said Supervisors Assessors or Collectors So refusing Delaying or neglecting His or their Respective Duty Shall for every Such Neglect refusal or Delay forfeit Respectively the Sum of forty Shillings to be Recovered before Any one of his Majestes Justices of the peace with In the Said County With full Cost of Suit by Any person who will Sue for And prosecute The Same to Effect



the Speaker of the General Assembly for the Time being certifying that They take the Same Work to be conformable to the true intent & meaning of this Act, The said Treasurer Shall thereupon be & hereby is impowered & required to pay unto Them the said William Livingston & William Smith Jun'r or to their assigns the Sum of Two Hundred & eighty Pounds, out of any Moneys which Shall then be in the Treasury granted or to be granted for the Support of the Government of this Colony any Law to the Contrary thereof notwithstanding, and a proper Receipt upon the Said Certificate Shall be to the Treasurer a good Voucher & Discharge for the Same.

AND Whereas James Parker has Declared his willingness for the Consideration hereafter mentioned, to undertake the Printing of the aforesaid Work, on the best Paper & large Folias & with the usual Types for Such Work, and to deliver one Printed Book thereof compleatly bound in Calves Skins, to the Governor or Commander in Chief for the Time being, one other for the use of the Council and one other for the use of the General Assembly of this Colony.

BE IT ENACTED by the Authority aforesaid That upon the said James Parkers producing to the Treasurer aforesaid a Certificate from the Governor or Commander in Chief for the Time being; From the Council & from the Speaker of the General Assembly for the Time being certifying That they have respectively received the said Printed Books compleatly bound as aforesaid, according to the true Intent & meaning hereof; The said Treasurer Shall thereupon be & hereby is impowered and required to Pay unto the said James Parker the Sum of Twenty Shillings for every Sheet of Paper in the said Printed Book, so compleatly bound up as aforesaid, out of any Monies in the Treasury as aforesaid and a proper Receipt for the Same, Shall be to the Treasurer a Sufficient Voucher & discharge Provided the Same do not exceed the Sum of Twenty Shillings for each Sheet as AFORESAID

AND BE IT ENACTED by the Authority aforesaid That one Act Entituled an Act to revise digest & print the Laws of this Colony from the Happy Revolution passed in the Fifteenth year of his present Majesties Reign, Shall be & hereby is Repealed and every article Clause Matter & Thing therein contained to be utterly void & of none Effect.

PROVIDED ALWAYS and be it Enacted by the authority aforesaid That in case They the aforesaid William Livingston & William Smith Jun'r Shall not Fullfill accomplish & compleat the Work aforesaid by Them undertook in manner aforesaid, on or before the first Day of September next Ensuing, Then & In Such case this Act & every Article Clause Matter & Thing therein contained Shall be utterly Void & of none effect any thing herein to the Contrary notwithstanding.

#### THE TWENTY-SIXTH ASSEMBLY.

##### *Second Session.*

(Begun May 30, 1751, 24 George II, George Clinton, Governor.)

[No acts were passed at this session.]

#### THE TWENTY-SIXTH ASSEMBLY.

##### *Third Session.*

(Begun Oct. 1, 1751, 25 George II, George Clinton, Governor.)

##### [CHAPTER 908.]

[Chapter 908 of Livingston & Smith and Van Shaack, where the act is printed in full. Continued and amended by chapter 939. Amended by chapter 1149. Additional powers granted to the trustees by chapter 1160. Extended to executors and administrators residing out of the colony by chapter 1438.]

##### *An Act to prevent frauds in Debtors.*

[Passed, November 25, 1751.]

WHEREAS divers Persons within this Colony, being Indebted and having Estates Sufficient to answer and discharge their Said Debts, but designing to defraud their Creditors of their Just dues, do Secretly depart the Colony, and order their Effects to be Sold, their Debts Collected, and the produce thereof Sent or Remitted to them, or Conceal themselves in the Colony, in order to bring their Creditors to an Unreasonable Composition, by which Evill Practices in Debtors, many Persons their Creditors have been, and Dayly are great Sufferers, there being no Law in this Colony for Securing the Estates of Such Fraudulent Debtors, for the use of their Creditors. For Remedy Whereof for the future,

BE it Enacted by the Governor, the Council, and the General Assembly and it is hereby Enacted by the Authority of the



Same, that from and after the Publication of this Act, Whenever it Shall happen that any Person or Persons Whatsoever being Indebted within this Colony, Shall either Secretly with draw themselves out of it, or Conceal themselves within the Same, to Prevent their Persons from being arrested any one Creditor to whom the Said absconding Person or Persons is or are Indebted in the Sum of Forty Pounds, or upwards; or any Two to whom he, She, or they is or are Indebted, in the Sum of Sixty Pounds, or upwards; or any three to whom he, She or they, is, or are Indebted, in the Sum of Eighty Pounds or upwards, over and above all Discounts, may make application to the Judges of the Supreme Court of this Province for the Time being, or any one of them, and there make affidavit Or Affirmation In Cases where by Law an Affirmation is allowed that the Said absconding Person, or Persons, is, or are indebted to him, her, or them in the Sum of

Over and above all discounts, and that he She or they do veryly believe, that the Said absconding person or persons, is or are either departed the Colony, or conceal themselves in it with Intent and design to defraud him, her, or them, and other Creditors if any Such there be, of their Just Dues, which Departure or Concealment Shall likewise be proved by two other Credibile Witnesses, and then the Said Judges, or any one of them, on Such affidavit or affirmation, and Such other Proof made Shall be, and hereby is and are fully Impowered, authorized and Required forthwith to Issue his or their Warrant to the High Sheriff of the City or County from whence the Said absconding person or persons Departed, or to the High Sheriff of any other City or County, (whose departure Shall be taken to be from his, her, or their last most usall place of Residence) Commanding the Sheriff of the Same, or any other City or County, to Attach, Seize, take and Safely Keep, all the whole Estate, as well Real as Personal of the Said absconding person or persons of what Kind or Nature Soever, and Every or any part or parcel thereof in whatever part of the Colony they can be found, with all Evidences Books of accounts and Papers Relating thereto, which Warrant or Warrants So to be Issued, the Respective Sheriff or Sheriffs to whom the Same Shall be directed, are hereby Required, Authorized and Commanded well and truly to Execute, and forthwith to make, (with the assistance of two Substantial Freeholders) a Just and true Inventory of all Such Estate &

Effects as he Shall Seize and take by Virtue thereof, and return the Same, Signed by himself and the Said two Freeholders to Such Judge or Judges, who Issued the Warrant or Warrants for taking the Same.

AND be it further Enacted by the Authority aforesaid, that the Said Judge or Judges immediately after issuing such Warrant or Warrants as aforesaid, Shall order Notice to be given in all the Publick News Papers in this Colony that on application made to him or them by the Creditors of the Said absconding person or persons, he has directed all his, her, or their whole Estates Real and Personal to be Seized, and that unless he, She, or they, the Said absconding person or persons, do return and discharge his, her, or their Debts, within three Months next after Such Publick Notice given, that all his, her, or their Estates Real and Personal, So Seized and taken, will be Sold for the Satisfaction of his, her, or their Creditor, or Creditors.

AND be it further Enacted by the Authority aforesaid, that if any Debtor or Debtors of the aforesaid absconding person or Persons after the aforesaid Publick Notice given, Shall pay the Said Debt or Debts to the Said absconding person or persons, or to any attorney or attorneys or other person or persons appointed by him, her, or them, the Said Person or Persons So Paying their Said Debts, Shall be deemed and adjudged to have paid the Same Fraudulently, and in their own Wrong, and hereby are made Liable to answer the Same or the amount thereof to Such person or Persons who Shall by Virtue of this Act be Impowered to Receive and dispose of the Estate or Estates of the Said absconding Person or persons, towards the Satisfaction of his, her, or their Creditors. And in Case the Said person or Persons So indebted to the Said absconding Person or Persons, Shall after the aforesaid Notice, be Sued by him, her, or them, or by his, her, or their order, or orders, Attorney or Attorneys for the Said Debt or Debts, he, She, or they So Sued, may plead the General Issue, and give this Act in Evidence.

AND be it further Enacted by the Authority aforesaid, that all Sales made by the said absconding Person or Persons, of his her or their Estates, Lands, Goods or Chattles, and all powers of Attorney by him, her, or them for Selling the Same and Collecting of Debts made after the Said Publick Notice given, Shall be and hereby are declared to be Null and Void



to all Intents Constructions and Purposes Whatsoever, any Law, Usage or Custom to the Contrary Notwithstanding.

AND be it further Enacted by the Authority aforesaid, that if the Said absconding Person or Persons Do not Return within three Months Next after the first Publick Notice given, and discharge his her, or their Debt or Debts, or otherwise Compound with or Satisfy, his, her, or their Creditors, that then it Shall and may be Lawfull for the Judges of the Supreme Court of this Colony, for the time being or any one of them, and each of them, are hereby fully Impowered, and Authorized to Nominate and appoint three fit Persons to be Trustees for all the Creditors of the Said absconding Person or Persons, which person or Persons So Nominated and appointed, under the hands and Seals of the Said Judges or any one of them, Shall be and hereby are fully Impowered and Authorized to take into their hands, all the whole Estate or Estates, as well Real as Personal, and all Evidences Books of accounts, and Papers Relating thereto, of the Said absconding Person or Persons Seized as aforesaid, with all other, his, her, or their Effects, which they may afterwards discover in any Part of this Colony to make Sale thereof, by publick Outcry after fourteen days Publick Notice, and of all the Interest which the Said absconding person, or Persons have, hath or had in the Same, and Deeds Bills of Sale, and other Conveyances to make and Execute, and being so made & Executed by them or any two of them for the Same, or any Part or parcell thereof, Shall be and hereby are declared to be as good Valid and Effectual to Transfer the Property thereof to all Intents Constructions and Purposes whatsoever, as if Executed by the Said Absconding Person or Persons themselves, before the making of this Act, and the Same Deeds and Conveyances, and Every of them So made and Executed for the Estate Real or personal of Such absconding Person or Persons, or any part or Parcell thereof Shall be good Valid and Effectual in the Law to all Intents and Purposes whatsoever against the Said absconding Person or Persons, his, her, and their Heirs, Executors, administrators and assigns Whatsoever, and all Claiming under them or any of them after the said first publick Notice.

AND be it further Enacted by the Authority aforesaid, that the Said Trustees or any two of them, So as aforesaid appointed, Shall immediately thereafter cause Publick Notice to be given in all the News Papers of this Colony of Such their appointment

and therein Require all Persons Indebted to the Said Absconding Person or Persons, by a day Certain to be appointed by them in their Said Notice, to pay all Such Sum or Sums of Money, which they owe to the Said absconding Person or Persons, and deliver all other Effects, which, he, she, or they may have in their hands Power or Custody, to them the Said Trustees, and the Said Trustees Shall be, and hereby are Enabled, and made Capable to Sue for Recover and Receive in their own Name, or Names all Such Estate & Estates as well Real as Personal, Debts and other Effects, as they Shall find due or belonging to the Said absconding Person, or Persons, and the Same when Received Shall apply as Shall be herein after directed, and in Case any Person or Persons Indebted to the Said absconding Person or Persons, or having other Effects of his, her, or theirs, in his, her or their hands, Shall Conceal the Same and not deliver a Just account thereof to the Said Trustees by the day appointed by them as aforesaid, they Shall forfeit double the Sum of the Said Debt or Debts, or Value of the other Effects So Concealed, to be Recovered by the Said Trustees in any Court of Record within this Colony, and applied as herein after directed Which Said Courts are hereby fully Impowered to Compell to come before them, all Such Concealers and others Concerned, and them to Examine upon Oath Touching the premises and to Commit them if they Refuse to be So Examined, And the Said Trustees, or any Two of them, Shall be and hereby are fully Impowered to Settle and adjust all Matters and accounts that may be Subsisting between the Said absconding Person, or Persons and his, her, or their Debtor or Debtors; and also between the Said absconding Person, or Persons, and his, her, or their Creditor or Creditors, and to Examine any Person or Persons upon Oath Concerning Such accounts and Settlements, which Oath the Said Trustees, or any two of them, are hereby Impowered, and Required to administer

AND be it further Enacted by the Authority aforesaid, that any Person or Persons, (other than those who have the Effects in their hands) who Shall discover any Effects of the Said absconding Person or Persons So Concealed Contrary to the True Intent and Meaning of this Act, So that they be Recovered by the Said Trustees, Shall be and hereby are Entitled to Ten per Cent on the Value of all Effects, So discovered & Recovered to be paid to them by the Said Trustees



AND be it further Enacted by the Authority aforesaid, that when the Said Trustees or any two of them have Converted all the Estate or Estates of the Said absconding Person, or Persons into Money and have Collected all the Debts due to him her, or them, which have been in their Power, or come to their Knowledge, in the doing Whereof they Shall not Exceed Twelve Months from their first appointment, they Shall Cause Publick Notice to be given in all the News papers of this Colony, that they are ready to make a Dividend among the Creditors of the Said absconding person or persons Estate, (under which head Shall be included the forfeiture for Concealing Debts or other Effects) and therein desire all the Said Creditors to meet at a Certain time & place by them the Said Trustees to be appointed, which Shall not be less than two, nor more than three Months after the Said Notice given, At which Meeting or other subsequent Meetings necessary for that purpose to be continued by Adjournments when all accounts are fairly Stated and adjusted, they Shall proceed to pay all the Creditors what Shall appear to them to be Justly due, if there be money Sufficient to answer the Whole, after all Legal Charges are deducted, in which payments no preference is to be allowed to Debts due on Specealty's. And if there be not Sufficient to Discharge the whole, each Creditor Shall be abated in proportion to the Debt due to him, And if there be any Surplus, the Same Shall be paid unto the Said absconding Person or persons or to his, her, or their attorney or Attorney's, or to his, her, or their Executors Administrators or assigns, and the Said Trustees Shall render unto the Supream Court, a Just and true account upon Oath, of all their Proceedings in the premises by Virtue hereof, to be filed in the Said Court, for the Satisfaction of all parties Concerned. Always Provided, that no Sale Shall be made of any Lands, Tenements or Heridtements, where the personal Effects Seized, or which may be Seized, are Sufficient to Satisfy the demands of all the Creditors with Costs. And that no more of the Effects of any Person or Persons Shall be Sold, than may be deemed as near as may be Sufficient to Satisfy Such Demands with Costs, and all the Remaining part of the Effects Seized together with the Overplus Money if any there be Shall by the Said Trustees be delivered back to the Owner, or owners thereof, or to his, her, or their Attorney, or Attorneys, Executors, Administrators, or Assigns.

AND be it further Enacted by the Authority aforesaid, that the Said Trustees Shall Retain in their hands, for the Several Services to be performed by them and others by Virtue of this Act, the Sum of Five per Cent, on the whole Sum which Shall come into their hands, by Virtue thereof, before any Dividend made, and be by them paid accordingly.

And Whereas persons who dwell out of this Colony, may be indebted here, and have Estate and Effects Sufficient within the Same, to pay and Satisfy their Said Debts; BE IT ALSO Enacted by the Authority aforesaid, that the Goods Chattles, and Effects of all Such Person & Persons (So Indebted) as after the Publication of this Act, may dwell and Reside out of this Colony, Shall also be Subject and Liable to be taken Seized, Proceeded against & disposed off, for the payment and Satisfaction of Such of their Said Debts, as Shall be Contracted after the Publication of this Act, as near as may be, in the Same and like Manner as the Estates & Effects of other Debtors in and by this Act are made Subject and Liable to, Provided always that the Owner, or Owners thereof, or his, her or their Attorney or Attorneys Factors or Agents, Shall and may have a year and a Day allowed them from the time of Such Seizure to Redeem their Said Goods, Chattles and Effects, and Pay their Debts upon giving Sufficient Security to the Creditor or Creditors to Answer the Value of Said Goods with ye Cost.

And be it further Enacted by the Authority aforesaid, that the Judges of the Inferior Courts of Common Pleas within the Several County's of this Colony, Shall be, and hereby are empowered and Authorized to put this Act in Execution in their Respective County's, in all Cases happening within the Said County's Respectively, where the Sums due to any one Creditor applying for Relief are not under Five Pounds, and do not Exceed Forty Pounds, any thing in this Act before Contained to the Contrary Notwithstanding.

Provided always That where Warrants have issued from the Judges both of the Supreme and Inferior Courts That then and in that Case the Judges of the Supreme Court or any one of them Shall award a Writ or Writts of Certiorari to the Judges of the Inferior Courts to remove and return the proceedings there to the Judges of the Supreme Court that they may proceed on both Warrants or either of them.



AND Be it also enacted by the Authority aforesaid That the Judge or Judges granting Warrants pursuant to this Act shall make Report thereof to the next Court of which he or they is or are Judge or Judges and of the Notice thereon ordered; of the publication of the Notice, and of all other Things required of them by this Act to be done out of Court and cause that Report to be entered in the Minutes of the Court to be Evidence of the Facts so reported.

AND BE IT FURTHER ENACTED by the Authority aforesaid That the Trustees to be appointed by virtue of this Act shall take an Oath or Affirmation in Cases where by Law an Affirmation is allowed, Well and truly to execute the Trust reposed in them according to the best of their Skill and Understanding Which Oath or Affirmation the Judge or Judges appointing the said Trustees is and are hereby required to administer.

AND BE IT FURTHER ENACTED By the Authority aforesaid That the Trustees to be appointed by this Act shall be subject to such Orders and Directions as shall from Time to Time be made in the Supreme Court for the more effectual putting the powers in this Act in Execution Or in the Inferior Courts of Common Pleas where the Warrant issued from the Judges of such Courts.

AND be it further Enacted by the Authority aforesaid, that this Act Shall be Construed Beneficially for the Creditors in all Courts of Justice within this Colony; And be and Remain in force from the Publication thereof untill the First day of January, which will be in the Year of Our Lord One Thousand Seven Hundred and Fifty Four.

[CHAPTER 909.]

[Chapter 909 of Livingston & Smith, where the act is printed in full. Chapter 909 of Van Schaack, where the title only is printed. See chapter 1038.]

An Act for Vesting in Trustees the Sum of Three thousand Four hundred and Forty three Pounds, Eighteen Shillings raised by way of Lottery for erecting a Colledge within this Colony.

[Passed, November 25, 1751.]

Whereas the Sum of Three thousand Four Hundred and Forty three Pounds, Eighteen Shillings, has been raised within this

Colony by way of Lottery for Erecting a Colledge, for the education of Youth within the Same, which Sum being not conceived Sufficient, without further Additions to answer the Said end of Erecting compleating and Establishing a Colledge for the advancement of usefull Learning, it is conceived Necessary that Trustees be appointed, as well for the Setting at Interest the Said Sum of Three Thousand Four Hundred and Forty three Pounds, Eighteen Shillings already Raised for the Said Purpose, as for Receiving the Contributions and Donations of Such persons as may be Charitably disposed to be benefactors and, Encouragers of So laudable an undertaking.

BE it therefore Enacted by his Excellency the Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the eldest Councilor residing in this Colony, the Speaker of the General Assembly, and the Judges of the Supreme Court the Mayor of the City of New York and the Treasurer of this Colony for the time being, together with James Livingston Esquire, Mr Benjamin Nicol, and Mr. William Livingston, or the Survivor or Survivors of them the Said James Livingston Benjamin Nicol and William Livingston, Shall be and hereby are appointed Trustees for managing the Said Sum of Three thousand Four Hundred and Forty three Pounds, Eighteen Shillings, and for managing any other Sum or Sums of Money, Lands, Goods or Chattles, which May be contributed or given by any Person or Persons whatsoever to be employed to the Said use and Purpose of Erecting compleating and Establishing a Colledge for the advancement of Learning within this Colony, All which Said Sum and Sums of Money they the Said Trustees and the Major part of them and of the Survivors of them Shall be and hereby are empowered required and directed to put out at Interest, Yearly and every Year, together with the Interest arising thereon, untill the Same Shall be employed for the use, And Purpose of Erecting and Establishing a Colledge for the advancement of Learning within this Colony, in Such Manner as Shall by some Act or Acts hereafter to be passed for that purpose be directed.

And be it further Enacted by the Authority aforesaid, that if any Lands, Tenements or Hereditaments Shall be given by any Person or Persons Whatsoever towards founding the Said Colledge, the aforesaid Trustees and the Major part of them and of the Survivors of them Shall be, and hereby are enabled to let the same to Farm to the best advantage, for advancing



the Said undertaking Rendring the Rent to the Treasurer of this Colony for the time being for the use and purpose aforesaid.

AND be it further Enacted by the Authority aforesaid that the Treasurer of this Colony, Shall and he is hereby required and directed to pay to the Borrowers such Sum and Sums of the Money aforesaid from time to time as shall be specifed in the Securities by them to be given with the consent of the Major part of the Trustees aforesaid Or of the Survivors of them Which Securities shall be in the Names of two or more of the Trustees aforesaid consenſing. With Conditions for the payment of the Money and interest therefrom arising, to the Treasurer of this Colony for the time being for the use and purpose aforesaid And Such Securities given as aforesaid shall be to the said Treasurer good vouchers and discharges for the Sums paid thereon by him and therein mentioned.

AND be it further Enacted by the Authority aforesaid, that the aforesaid Trustees Shall be and hereby are Enabled to Receive Proposals from any of the City's or County's, within this Colony, which Shall be desirous of having the Said Colledge erected within their Said City's or County's, touching the placing or Fixing the Same therein Respectively and the Said Trustees and every of them Shall be and hereby are required to Render a just and true account on Oath of all their proceedings in the Premises, to the Governor Council and General Assembly, when by them or any of them thereunto required.

#### [CHAPTER 910.]

[Chapter 910 of Livingston & Smith and Van Schaack, where the act is printed in full. See chapter 131.]

An Act for mending and Keeping in Repair the Publick Road or highway from the House of John Horne in the Bowry Division of the outWard of the City of New York through Bloomendale Division in the Said Ward to the House of Adrian Hoogelandt.

[Passed, November 23. 1731.]

WHEREAS in pursance of an Act made and passed in the Second Year of the Reign of our late Sovereign Lady Queen Anne Entituled An Act for the laying out Regulating, Clearing

and preserving Publick Common Highways throughout this Colony the Commissioners therein named for the City and County of New York, did lay out a Road of the breadth of Four Rods from the now dwelling house of John Horne, thro' Bloomendale District or Division to the now Dwelling house of Adrian Hoogelandt. AND WHEREAS the Inhabitants of the Said Bloomendale District or Division, who are but few in Number, have been under great hardships not only by Keeping the Said Road in Repair, (which is double the breadth Necessary) but also by having been obliged to Work on the Repairing the Post Road between New York and Kings bridge; Wherefore in order to remedy the Said hardships, and for the better Keeping in Repair the aforesaid Road or Highway.

BE it Enacted by his Excellency the Governor, the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, that the Justices of the Peace for the City and County of New York, at their General Quarter Sessions to be held for the Said City and County in the Month of February next after the Publication hereof, and so in the Said Sessions in the Month of February in every Year, Shall nominate and appoint one Sufficient and able Person Inhabiting within the District or Division of Bloomendale aforesaid, to be the Surveyor of the Said Publick Road or Highway from the House of John Horne through the District or Division of Bloomendale aforesaid to the House of Adrian Hoogelandt Aforesaid, for the Year from thence next ensuing, And that the Said Justices Shall Cause notice to be given to the Said Surveyors so appointed in Writing of Such their Appointment, And in case of Death or refusal of any Surveyor So appointed any two OR more of the Justices of the Peace for the Said City and County, (whereof one to be of the quorum) under their hands and Seals Shall appoint another in his place, which Said Surveyor So first to be appointed within Twenty Days after notice given to him of his appointment Shall, and he is hereby Required to view and Survey the Said Road or Highway and lay out the Same of the Breadth of Two Rods as the Same now Runs, And that the Said first and every other Surveyor So to be appointed within Twenty Days after notice given to him of his appointment, Shall, and they are hereby required to View and Examine the Said Road, and Consider the Defects thereof, and the best Method and Means that can be



used for the Clearing, Levelling, Repairing and making good the Same, And that within Ten days after Such View had, the Surveyor for the time being Shall Summon and give Notice to Such and So many of the Inhabitants of the District or Division of Bloomendale aforesaid, as the Said Surveyor Shall think Necessary at Such times, Seasons and places, and for so long time, (not Exceeding three days at any one time) as the Said Surveyor Shall think Necessary, to meet and Convene with Carts, Carriages Shovells, Spades, Pickaxes, Mattacks, and other Tools and Instruments, as by the Said Surveyor Shall be thought Necessary for the amending Clearing Repairing and making good the Said Road or Highway within the District and Limitts herein before Set forth and all and every Such person and Persons Summoned or having notice as aforesaid, that Shall not either themselves, or a Sufficient Working hand for them, meet at the time and place so appointed, and Obey and perform Such orders and Directions as the Said Surveyor Shall give concerning the Amending the Said Road or Highway Shall forfeit and pay the Sum of Six Shillings Current money of New York, for every days default, to be recovered before any Justice of the Peace with Costs, in the Same Manner that Debts under Forty Shillings are now by Law Recoverable. And that every Team or Waggon with a man to manage the same, which the Said Surveyor Shall have occasion to use in Repairing the Said Road or Highway Shall be esteemed in the place of three days Labour of one Workman, and that every Person having notice as aforesaid, and not appearing with Such Team or Waggon as aforesaid, Shall forfeit and Pay the Sum of Eighteen Shillings like Money, for every Days default, to be Recovered in manner Aforesaid All which Forfeitures Shall be paid to the Said Surveyor, and Shall be by him applyed and Disposed off in Repairing the Road or Highway Aforesaid. PROVIDED, Always that the Surveyors from time to time to be appointed as aforesaid, Shall Employ the Inhabitants of the District or Division aforesaid Justly Equally and in their turns every Year and that no Person be compellable to work above Six days in any one Year upon the Said Road or Highway, nor at any time in Seed time, or in the time of Hay or Corn Harvest And that none of the Inhabitants of the Said District or Division of Bloomendale Shall be obliged or Compellable after the Publication of this Act to Work upon the Post Road leading from New

York to Kingsbridge, any former Law Usage, or Custom, to the Contrary thereof in any wise notwithstanding.

AND be it further Enacted by the Authority aforesaid, that every Surveyor, that Shall be so appointed in manner aforesaid who Shall Refuse or Neglect to do and perform the Duties and Services Required by him and them in and by this Act, Shall forfeit the Sum of Five Pounds Current Money aforesaid, to be Recovered by Action of Debt, Bill Plaint or Information in any Court of Record held within the City and County aforesaid, with full Costs of Suit, One third part to the Informer who Shall Prosecute the Same to effect, and the other two thirds thereof to be Employed by the next Succeeding Surveyor in the Repairing the Road or Highway aforesaid

[CHAPTER 911.]

[Chapter 911 of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act to fix and ascertain the Place for Elections of Representatives, to Serve in Generall Assembly for the County of Westchester.

[Passed, November 25, 1751.]

WHEREAS, the County of Westchester is very Extensive and the Extreme Parts thereof to the Northward have of late Years become Very Populous, and Whereas the Elections for Representatives to Serve in General Assembly for the Said County, have from the first Settlement of the Said County, been held at the Southern part of Said County, it now becomes extremely inconvenient for the Freeholders of the upper or Northern Parts thereof, which are now become by far the most Numerous to attend those Elections at so great a Distance from their Respective Habitations.

For Remedy whereof for the future, Be it Enacted by his Excellency the Governor, the Councill and the General Assembly, and it is hereby Enacted by the Authority of the Same, That in all Elections hereafter to be made, in the Said County of West Chester for Electing Representatives to Serve in this or any future Generall Assembly of this Colony, the Sheriff of the Said County for the time being, or his Deputy Shall hold his Court of Election at or Near the Presbyterian Meeting House in the White Plains in the Said County, and at no other place what-



soever, any Law Usage or Custom to the Contrary Notwithstanding

And be it further Enacted by the Authority aforesaid, That if any Sheriff of the Said County of West Chester, or Deputy of the Said Sheriff, Shall after the Publication of this Act in the Execution of any Writ or Writs for the Electing Representatives for the Said County, to Serve in this or any future General Assembly Act contrary to the Directions and True intent and Meaning of this Act, they Shall Respectively forfeit the Sum of One Hundred Pounds, to be Recovered in any Court of Record within this Colony by any Person Agrieved, and the Said Election So made, Contrary to the Directions and True Intent and Meaning of This Act, Shall be Null and Void to all Intents, Contructions, and Purposes Whatsoever.

[CHAPTER 912.]

[Chapter 912 of Livingston & Smith and Van Schaack, where the title only is printed. Expired January 1, 1756. Provided for by chapter 1001.]

An Act for the better Clearing, and further laying out Publick high Roads in the County of Ulster.

[Passed, November 25, 1751.]

ALTHO' all or most of the Publick High Ways are already laid out and ascertained in the County of Ulster, it may Nevertheless be Necessary to lay out other High Roads in the Said County for the Conveniency of Carriage and Travellers.

Be it therefore Enacted by his Excellency the Governour, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the Same that the persons herein after Named Shall be, and hereby are appointed Commissioners, to Regulate the high Ways, and lay out Such other Publick Roads as may Still be necessary within the Said County of Ulster, and they and each of them are hereby fully Authorized and Impowered to put in Execution the Several Services, intended by this Act, in Such Towns and Precincts only for which they Shall be Respectively named and appointed, That is to Say,

For the Township of the Corporation of Kingston, Collo. Johannis Ten Brook, Capt Terick DeWitt, and Mr. Charles Broadhead.

For the Township of Hurley Dirck Wynkoop Esq'r Mr. Anthony Crespell and Mr. Matthias Lefever.

For the Township of Marbletown, Mr. Peter Cantine, Capt Daniel Broadhead, and Mr. Johannis De Witt.

For the Township of Rochester Mr. Cornelius Vernoy Mr. Egbert De Witt, and Mr. Jacobus De Pue.

For the Township of the New Paltz, and Neighbourhood thereunto annexed, Mr. Daniel Haesbroeck, Abraham Dejo, and Cornelius Du Bois Esq'r.

For the precinct of Shawangonck, Mr. Jacobus Bruyn, Capt Benjamin Smedes, and Mr. Isaac Haesbroeck.

For the Precinct of the Wallkill, Capt John Bayard, Mr. Johannis Miller, and Mr. Johannis Newkerck.

For the Precinct of the HighLands, Capt Thomas Ellison, Capt Alexander Colden, and Mr. John Markham.

For the Precinct of Mamekating Mr. Manuel Gonsalus Duke jun'r, Mr. Peter Giemare, and Mr. Philip Swartwout.

And be it Enacted by the Authority aforesaid, that the Commissioners or the Major Part of them in the Respective places for which they are named and appointed Commissioners, are hereby Impowered and Authorized to Regulate the Roads already laid out, and lay out Such other Publick High Roads in the Several places for which they are appointed Commissioners, as to them or the Major part of them Shall Seem Necessary and Convenient, and if need be to take a Review of the Roads already laid out, and Such of them as Shall appear to be Really inconvenient, the Said Commissioners Shall and may alter the Same; Provided all the Commissioners appointed for the place Judge it absolutely Necessary, and lay out Such other publick Ways or Roads, as they or the Major part of them Shall think most Convenient, as well for Travellers as for the Inhabitants of the Next adjacent, Towns, Precincts, Villages, or Neighbourhoods. Provided that Nothing in this Act Contained, Shall Extend or be Construed to impower the Commissioners aforesaid to alter any Road that is already Commodious, nor to lay out any Roads through inclosed, or improved Lands, without Consent of the Owners thereof, or paying to them the True Value of the Lands so laid into an High way, and if any dispute Shall arise by that means, the Same Shall be determined and the True Value set and appraised by two Justices of the Peace, and by the Oaths of Twelve of the principall Freeholders of the Neighbourhood not having any Interest in the Lands about which Such Dispute



may arise; The Said Freeholders to be Summoned by the High Sheriff of the Said County, by virtue of a Warrant to be Issued by the Said two Justices for that purpose. And if Said Roads by the Commissioners So laid out, Shall be publick Roads, and of Publick and General benefit, then the Value of Such Cleared and improved Lands, through Which Said Roads Shall be laid out, Shall be a Publick County Charge, and the Supervisors of Said County are hereby directed to allow the Same, together with the Charge of Calling a Jury, their Verdict, and the whole proceedings thereon had. But if Roads So laid out Shall be private Roads, and for the Particular Conveniency of one or more Districts, Township or Neighbourhood; then Such private Persons, Townships, Districts, or Neighbourhoods requiring the Same, Shall defray the whole Charge of the Value of the Said Cleared or improved Lands, to be paid to the Person or Persons Injured, and through whose Cleared Lands a private Road Shall be laid, together with the Wages of the Commissioners, the Charge of Calling the Jury, and of their Verdict, and of the whole Proceedings thereon had.

AND be it further Enacted by the Same Authority, that if any Person or Persons within the Said County do, or hereafter Shall, without the Consent of the Commissioners or the Major part of them, for the Town or place for which they are by this Act appointed Commissioners, alter, Stop up, or lessen any high Way or Road that has been heretofore laid out by former Commissioners according to Law, or Shall hereafter be laid out by the Commissioners named in this Act, Such person or Persons So offending contrary to the meaning of this Act Shall for every Such offence Forfeit the Sum of Forty Shillings; to be recovered before any Justice of the peace, upon the Oath of any one Witness, and Levied by Warrant from any Justice of the peace, directed to the Constable of the Town or place, where Such offence is committed, by Distraining the Goods and Chattels of the Offenders, And the Said Constables after Six Days Publick Notice is given by him of Selling the Said Distress, Shall make Sale thereof, and out of the produce Pay the Said Forfeiture and Charges, and Return the overplus, if any there be, to the owner or owners; Which Said Forfeiture of Forty Shillings, Shall be applyed by the Surveyor of the High Ways, for and towards Repairing the Publick Roads and Bridges, within the Town or Precinct where Such Forfeiture Shall arise.

AND be it Enacted by the Same Authority, that all Publick Roads that Shall be laid out by the Commissioners, Shall be of the Breadth of Four Rods, Except through Meadow or improved Lands.

AND be it further Enacted by the Authority Aforesaid, that if any Common Publick Road or highway Shall be laid through any Meadows, Improved Grounds or Cornfields, the Breadth of Said Road, Shall be left to the Discretion of the Commissioners, or the Major part of them, for the Town or Precinct where Such Road Shall Run, as aforesaid, Provided the Breadth of Such Road Shall not Exceed Twenty foot.

AND be it further Enacted by the Said Authority, that the Inhabitants of the Respective Towns or Precincts by and through which any Common Publick highways or Roads have or Shall Run, or be hereafter ascertained or laid out, Shall be, and hereby are obliged to Clear, and Maintain the Same, by Cutting and Stubbing up the Brush, and Lopping off the Limbs of the Trees that hang over the Said Roads, the Breadth of Two Rods, and Pulling up the Stones that can be Moved, and to carry them out of the Roads at least the Breadth of one Rod, and So often as they or any of them Shall have Notice from any of the Respective Commissioners, Surveyors, or Overseers of the high Ways for the time being, they Shall in their turns either by themselves, or by able Slaves, or Servants, Clear, Level, and amend the highways, not Exceeding Six Days in the Year, under the Penalty of three Shillings for each Day every person or Persons, Shall Neglect or Refuse Such Service, to be Levied by the Constable in each Town, or Precinct, by distress and Sale of Such offenders Goods and Chattels, by Warrant from the Overseers or Surveyors of the highways for the time being, in each Respective Town or Precinct where Such offence Shall be Committed, Returning the overplus of Such Sale, (if any be) to the Owner or Owners, the Constable being first paid for his Pains and Trouble, out of the Distress and Sale, as is usual in other Cases; Provided that Nothing in this Act Contained, Shall be Construed to empower the Respective Commissioners, Surveyors, or Overseers of the high ways for the time being, During the Continuance of this Act, to Compell the Inhabitants of the Towns, and Precincts through which part of a Road is laid out, by Virtue of An Act of Assembly Entituled an Act for the better Perfecting and Compleating a Publick Common High Way through the County



of Ulster Passed in the second Year of his Majesties Reign, That is to Say, from Juffrouws Hook So on to the northward, as far as the Round out Creek, or Common Landing, otherwise than making that part of the Said Road fit for Travellers on Horseback, and marking the Trees, where Necessary.

Provided always, and it is hereby further Enacted by the authority aforesaid that all Trees Standing or Lying in any Persons Land, through which any Common Publick high Way, or Road is or Shall be laid out, be for the proper use of the owner or owners of the Same, but the Owners Shall not hinder the Surveyor or Surveyors of the High Ways, from making use of So much Timber, which is Standing or Lying on that Road, as will amend the Said High Way or Bridges leading through that Land.

And be it further Enacted by the Authority aforesaid, that if the Overseers of the High Ways and Roads, Shall think fit and have occasion, of any Team, Cart or Waggon, and a man to Manage the Same, the Said Team, Cart or Waggon Shall be Esteemed to be for, in Lieu, and instead of two Days work of one Man, and the Fine to be proportionable, that is double to the Fine to be imposed for the Neglect of one Person, and every Working Man Shall be obliged to bring Such Tools as Spades, Axes, Crows, Pickaxes, or other Utensils, as Shall be directed by the Overseers of the High Ways.

AND be it further Enacted by the said Authority, that if any of the Said Commissioners herein appointed, Shall Neglect, Refuse or Delay to put the Several Clauses in Execution which are Mentioned and Expressed as their duty in this Act if thereunto Required; or Shall happen to Die, Remove out of the Town or Precinct, for which he or they, is or are appointed Commissioners; It shall and may then be Lawfull for the Freeholders and Inhabitants, of any Such Town or Precinct where it may happen, to Chuse and Elect at their annual Election by plurality of Voices in his, or their stead, another Commissioner or Commissioners, in Such place or places, where Such Refusal, neglect Death, or Removal Shall so happen; and the Name or Names Shall be Transmitted by the Constable of Such Town or Precinct where it Shall so happen, to the Clerk of the Peace for Said County, and the Commissioner or Commissioners So Elected Shall be under the Same Restrictions, and have the Same Powers and Authority, as those named and appointed by this Act

AND be it Enacted by the authority aforesaid, that the Commissioners of each Respective Town or Precinct, for which they are Respectively appointed, Shall from time to time during the Continuance of this Act, Enter in Writing all high Ways or Roads by them laid out, Altered or Stopped up and Sign the Same by putting their Names thereto, and Cause the Same to be entered in the County Record, by the Clerk of the Peace, who is hereby directed and required to Record the Same, and whatsoever the Said Commissioners Shall do according to the powers given them in this Act, being so entered in the County Records Shall be deemed Valid and Good to all Intents and Purposes whatsoever.

And be it Enacted by the Authority aforesaid, that each Commissioners appointed, or hereafter to be Elected by Virtue of this Act, Shall have and receive a Sum not exceeding Six Shillings each Day, as a Reward for his or their care and trouble in laying out or Regulating the High Ways, in the Respective towns or Precincts for which they are Severally appointed.

And be it further Enacted by the Same Authority, that upon the ordering of any one, or more of the Justices of the Peace, or any one or more of the Commissioners within the Town or Precinct for which he or they are appointed as aforesaid, the Surveyor, or Surveyors of the Town or Precinct, Shall within four days thereafter Warn and Set to Work the Respective Inhabitants to mend and Repair the Kings Roads & Bridges which by Law and Custom they are obliged to repair, And if any of the Surveyors Shall Neglect, or Refuse to Warn, and Set to work the Inhabitants as aforesaid, and See the Said Roads Bridges, and Highways amended and Repaired. Such Surveyor, or Surveyors Shall for every Such Neglect or Refusal forfeit and pay a Fine of Forty Shillings, to be adjudged by, and Recovered before any one of his Majesties Justices of the Peace for Said County upon the Oath of any one Witness, or on the View of any one of the Commissioners within his or their Districts in the Common and Usual Method; which Fine Shall be applied towards Repairing the Said High Ways, in Such Town or Precinct wherein the same did arise.

And be it further Enacted by the Authority Aforesaid, that all Waggons which Shall be used in any of the High Ways in the County of Ulster Shall be So made that the Space between the Rut or Track which they shall make, Shall be from the outside of the one Wheel, to the outside of the other Wheel, (and



the Said Wheels must Stand abreast on the Axel Tree) four foot and Ten Inches English Measure, and no more, or less, upon Penalty of Twenty Shillings Current Money of this Colony, to be recovered before any of his Majesties Justices of the Peace, where the Fact Shall happen to be Committed, at the Suit and to the profit of him or them, that Shall Inform and Sue for the Same. Provided that all Persons Subjected by this Act, to any of the Penalties or forfeitures on default therein Mentioned Shall be legally Summoned to appear, and be heard before Judgment given.

Provided always and it is hereby further Enacted by the Authority aforesaid, that where the Inhabitants of a Small Neighbourhood or Plantation, Shall desire to have a publick Road laid out, the Commissioners aforesaid, Shall not be allowed to lay out Such, and So many Roads as the Said Inhabitants may be desirous to have, but only one Publick Way leading from Such Neighbourhood or Plantation, to the Nearest Publick Way or Landing Place, from whence they can Travel or Transport Goods to other Towns or Landing Places. And where it Shall be Necessary to Lay out a Road from one District, as they are in this Act joined, to Another District; the Commissioners of both Towns. or Precincts or places, are to meet together and Consult where Such Road can be laid in the Best and Streightest manner, and to lay out the Same accordingly, to the end Such Roads may not only Correspond with each other, but be laid out and Carried on in the Most Convenient and Shortest manner, the Nature of the Land will allow.

And be it further Enacted by the Same Authority, that where there has been Swinging Gates, upon the Kings high Ways or Roads in Said County, Two Years before the Publication of this Act, they Shall be permitted and allowed to Remain there during the Continuance of this Act.

And be it further Enacted by the Authority aforesaid, that the Commissioners appointed by Virtue of this Act, for the Township of the New Paltz, are hereby fully impowered to take a Review of the Swinging Gates on the Publick Roads that lead through any of the Improved Laads, or Cornfields of the Free holders and Inhabitants of Said Township of the New Paltz, And if the Said Commissioners or the Major part of them Shall Judge it necessary to Remove any or all the Said Gates, to any other place, or places, on the Said Roads, where the Said Gates may be more Conveniently placed, as well for Travellers, as for

the Making of their Circular fences; The Said Commissioners are hereby Impowered and Authorized to Remove the Same accordingly. And if any Person or persons, that at any time during the Continuance of this Act, Pass or Repass through any Swinging Gate or Gates, that Shall be allowed by the Said Commissioners, and Shall not Shut the Same, Shall for every Such Neglect or offence forfeit the Sum of Twenty Shillings, to be recovered before any one of his Majesties Justices of the Peace for Said County, in the Same Manner as other Fines are directed to be recovered by this Act. This Act to be in full force from the Publication thereof to the first day of January, which will be in the Year of Our Lord, One Thousand Seven Hundred and Fifty Six.

[CHAPTER 913.]

[Chapter 913 of Livingston & Smith, where the title only is printed. Chapter 913 of Van Schaack, where the act is printed in full. Expired January 1, 1753. Revived by chapter 953.]

An Act to prevent the breaking, or otherwise Injuring Glass Lamps in the City of New York.

[Passed, November 25, 1751.]

WHEREAS Sundry of the Inhabitants of the City of New York, as well for the Prevention of Several evil Practices usually Committed in the Night time, as for the Convenience of Persons using the Streets about their Lawfull Business are willing at their own Expence to hang out, or fix up in the Night time before their Dwelling Houses large Glass Lamps to Illuminate the Streets of the Said City, but are discouraged therefrom for fear that Such Lamps may be broken, taken down, destroyed, or Carried away, or the lights therein Put out and Extinguished.

For Prevention whereof, Be it Enacted by his Excellency the Governor, the Councill & the General Assembly, and it is hereby Enacted by the Authority of the Same, that whatsoever Person, or Persons from and after the Publication of this Act, Shall break, take down destroy, or carry away Such Glass Lamp or Lamps, So hung out or fixed up as aforesaid, or Extinguish the Lights therein, or be aiding or abetting in the Same, and be thereof Convicted before the Mayor or any one Justice of the Peace for the Said City, (who is and are hereby Authorized to hear and Determine the Same) by the Confession of the



Party, or the Oath of one or more Credible Witness or Witnesses, Shall for every Such offence, (besides all Lawfull Costs accruing in Recovering the Same) forfeit the Sum of Twenty Pounds Current Money of the Colony of New York, and Pay the Same immediately to the Said Mayor, or Justice before whom he, she, or they Shall be so Convicted as aforesaid, who Shall immediately out of the Said Forfeiture Pay, to the owner of the Lamp or Lamps, So broken, taken out, destroyed, or Carried Away the Damage he or they, hath thereby Sustained, and the moyety or half of the Remainder of the Said Forfeiture to the overseers of the Poor of the Said City, to and for the use of the Said Poor, and the other Moyety or half to the Informer or Informers; And in Case of the Refusal or Neglect of Payment of Such Forfeiture the Person or Persons So Convicted as aforesaid, Shall by the Warrant of the Said Mayor or Justice be forthwith Committed to the Common Goal of the Said City, there to be kept Three Months, unless Such offender Shall Sooner Pay Such Forfeiture, and the Lawfull Charges accrued in Recovering the Same.

AND be it further Enacted by the Authority aforesaid, that the Said Mayor or Justice who shall Neglect or Refuse to act, or Proceed by Virtue of this Act, Shall for every Such offence Forfeit the Sum of Fifty Pounds, Current Money aforesaid, to be recovered in any Court of Record held in the Said City, by any Person or Persons who Shall Sue for the Same, by Action of Debt, or Information, wherein there Shall be no Essoyn, nor Wager of Law, nor any more than one Imparllance allowed, which Forfeiture Shall be Paid and applied in the Manner, and to the uses aforesaid.

AND for the easier discovery and Detection of Such offenders, and the greater Encouragement to Informers, BE IT further Enacted By the Authority Aforesaid, that if Two or more Persons having been jointly Concerned, in Committing the offence or Offences aforesaid, and one or more of them Shall within the Space of one Month after the offence Committed inform against any or all the Rest Concerned in the Same So as to Convict him her or them, (Provided he, She, or they, are not before informed against) the Person or Persons So informing, Shall not be Liable to the Payment of the Forfeiture here in before appointed, but Shall Notwithstanding such, his, her, or their offence or offences be Intituled to the Reward herein before allowed to Informers. Anything herein

before Contained to the Contrary thereof in any wise Notwithstanding.

AND be it further Enacted by the Authority aforesaid, that any Person or Persons, Sued for putting this Act in Execution may Plead the General Issue, and give this Act in Evidence, And if the Plaintiff be nonsuit, or discontinue, or a Verdict Pass, or Judgment be given for the Defendant; Such Defendant Shall have his full Treble Costs, any Law Usage or Custom to the Contrary thereof in any wise Notwithstanding.

AND be it Enacted by the Authority Aforesaid, that this Act Shall be, and Remain in force, from the Publication thereof to the first Day of January One Thousand Seven Hundred and Fifty Three.

#### [CHAPTER 914.]

[Chapter 914 of Livingston & Smith and Van Schaack, where the title only is printed. Expired January 1, 1753.]

An Act to let to Farm the Excise on Strong Liquors Retailled in this Colony for one Whole Year, to commence from the first day of January Next

[Passed, November 25, 1751.]

Whereas by an Act of the General Assembly Entituled an Act for laying an Excise on all Strong Liquors Retailled in this Colony, Passed in the Twelfth Year of the Reign of her late Majesty Queen Anne, there was given and Granted to her Said Majesty, her Heirs and Successors a duty of Excise on all Strong Liquors Retailled in this Colony from the first Day of November 1714 to the first Day of November 1734, for the uses and purposes in the Said Act Particularly Mentioned; which Said Duty of Excise hath by Several Subsequent Acts been further Continued from the first Day of Nov'r 1734, to the first Day of November which will be in the Year of our Lord 1757.

AND Whereas Sundry persons have by themselves, and by others in their behalf offered and engaged to Pay for the Said Duty of Excise in the City's and County's of this Colony for one whole Year, from the first day of January Next

BE IT THEREFORE ENACTED by his Excellency the Governor, the Councill and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Persons herein after named Shall be the Farmers of the Said Duty of



Excise, for and during the time last mentioned, in the Respective City's & County's of this Colony, and to have and Receive the Benefits thereof at the Rates and for the Several Sums following, that is to Say

Adolph Brass & James Mills for the City & County of New York for the Sum of Fourteen Hundred and Sixty Pounds.

Hans Hansen and Jacobus Van Slyck, for the City and County of Albany, for the Sum of One Hundred & Five Pounds.

Jacob Bruinton, for Kings County for the Sum of Eighty Pounds.

Thomas Moone for Queens County for the Sum of One Hundred & Fifty Nine Pounds

Samuel Seaman for Suffolk County for the Sum of Seventy Six Pounds.

Clere Everitt & Gerrit Van Benthuyssen for Dutchess County for the Sum of Forty one Pounds.

James Scott & Johannis Hardenbergh jun'r for Ulster County for the Sum of Forty one Pounds.

Daniel Stilwill for Richmond County for the Sum of Twenty Pounds.

Edward Stephenson & Phillip Pell for West Chester County for the Sum of One Hundred & Twenty Five Pounds

Johannis Boogert & John Yelverton for Orange County for the Sum of Twenty one Pounds.

AND for the Effectual Securing the Several Payments before mentioned, Be it Enacted by the Authority aforesaid, that the Several Farmers before Named Shall be, and hereby are Required and obliged Severally to enter into the Following Recognizances before any Judge of the Supreme Court, or of the Inferior Courts to his Majesty his heirs and Successors, with Sufficient Sureties, That is to Say, Adolph Brass & James Mills, in the City & County of New York for the Penal Sum of Twenty Nine Hundred and Twenty Pounds.

Hans Hansen & Jacobus Van Slyck in the City and County of Albany in the Penal Sum of Two Hundred and Ten Pounds

Jacob Bruinton for Kings County in the Penal Sum of One Hundred and Sixty Pounds

Thomas Moone for Queens County in the Penal Sum of Three Hundred and Eighteen Pounds

Samuel Seaman for Suffolk County in the Penal Sum of One Hundred & Fifty Two Pounds.

Clere Everit & Gerrit Van Benthuisen for Dutchess County in the Penal Sum of Eighty Two Pounds.

James Scott & Johannis Hardenbergh jun'r for Ulster County in the Penal Sum of Eighty Two Pounds.

Daniel Stilwill for Richmond County in the Penal Sum of Forty Pounds.

Edward Stephenson & Philip Pell for West Chester County in the Penal Sum of Two Hundred & Fifty Pounds.

Johannis Boogert & John Yelverton for Orange County in the Penal Sum of Forty Two Pounds.

CONDITIONED that each of the said Farmers Shall well and truly pay to ye Treasurer of this Colony the respective Sums they have Severally Farmed the Said Duty of Excise at, in Two Equal Payments, that is to Say, one half thereof on or before the first Day of July Next Ensuing, and the other half thereof within Six Months then Next following. And the Judge or Judges before whom Such Recognizance or Recognizances are taken, are hereby required to cause the same to be Recorded in the Minutes of the Said Respective Courts, and afterwards to transmit the Same, with all Expedition to the Said Treasurer, with whom they are to Remain untill they Shall be Discharged.

AND to the end that the before named Several and Respective Farmers may not Exercise the Powers hereby given before they shall have entered into the Recognizances as hereby directed; Be it Enacted by the Authority aforesaid, that every Such Farmer who Shall put in Execution all or any of the Powers aforesaid, before Such Recognizances Shall have been Entered into, he, She, or they in Such Case offending Shall forfeit & pay double the sum for which they Respectively Farmed the Excise, to be Recovered in any of his Majesties Courts of Record in this Colony, one half thereof to any Person who will Sue for & prosecute the Same to Effect, the other half to be paid to the Treasurer of this Colony to be applied for Sinking & Cancelling the Bills of Credit Struck and Issued upon the Duty of Excise.

AND that there may be no failure in the Payments to be made to the Treasurer of the Several and Respective Sums, which Should be paid by the Several and Respective Farmers; Be it Enacted by the Authority Aforesaid, that the Treasurer of this Colony Shall and he is hereby directed and Required to put in Suit each and every Recognizance that Shall not be



paid on or before the first Day of July next, and within Six Months, then Next following, or within one Month after each of the Said Days Respectively, with the Interest thereof, and for every failure of the Said Treasurer Respecting the Putting in Suit the Said Recognizances he Shall forfeit and pay the Sum of Fifty Pounds, to be recovered in any of his Majesties Courts of Record within this Colony, by any Person or Persons who will Sue for & Prosecute the Same to Effect, to his, her, or their own Proper use.

AND to the End the Several before named Farmers may have the full benefit of the Said Duty of Excise, from and to the time before Mentioned; Be it Enacted by the Authority aforesaid, that they and each of them, and each and every of their Executors, administrators or assigns, Shall be, and hereby are Vested with all and Singular the Powers & Authority's for gathering and Collecting and recovering the Said Duties and forfeitures imposed in the Said Act in the respective places the Said Excise is hereby Farmed to them, which in and by the same are Granted and allowed to Farmers of the Said Excise, in as full ample and Effectual Manner to all Intents Constructions & Purposes Whatsoever, as if the Several Clauses relating thereto, in the Act aforesaid had been at large inserted and Enacted in the body of this Act.

AND Whereas Several People and more Particularly in the City of New York, do frequently Retail Strong Liquors in their Houses, without being duly Licensed for that Purpose; and whereas Such Persons as aforesaid, as likewise Several others who are duly Licensed to Retail not only sell Strong Liquors to Slaves, but often Entertain great Numbers of them at their houses, or Suffer them to be Entertained there, which Tempt and Encourage the Said Slaves to Robb their Masters and others for Supporting the Expence of Such Vile Practices; Be it Enacted by the Authority aforesaid, that no person or Persons whatsoever, Shall be allowed or Permitted to Retail any manner of Strong Liquors in their Houses or Elsewhere at any time during the Continuance of this Act, untill he. she. or they have first Entered into Recognizances, That is to SAY in the City's of New York and Albany before the Respective Mayors thereof, and in the Several Countys in this Colony before Two Justices of the Peace in the Penal Sum of Twenty Pounds, with Sufficient Sureties in the like Sum, Conditioned to Keep an orderly House according to Law, during the time they Shall

Be so licensed as aforesaid, and thereupon the Respective Mayors or the Said Justices Shall Grant to the person or Persons who have Entered into Such Recognizances, a License under his, or their hands and Seals, to Retail Strong Liquors in Such House or place to be Mentioned therein, at any time or times during the Continuance of this Act, which Recognizances are to be lodged by the Person or Persons before whom the Same are taken, viz't; in the Citys of New York and Albany, with the Town Clerks, and in the County's with the Respective Clerks thereof, and upon Complaint made of the Breach of the Said Condition it Shall be Lawfull for the Said mayors and Aldermen of New York and Albany or the greater Number of them, and in the County's for the Justices of the General or Special Sessions of the Peace to Suppress the License or Licenses of Such offender or offenders.

Be it further Enacted by the Same Authority, that no Person or Persons who have obtained Such License as aforesaid Shall be Permitted to Retail Strong Liquors before he, She, or they have paid the Duty's or agreed for the Excise with Such Farmer or Farmers as have taken the Excise in The Place where he, She, or they intend to Retail, and Secure to him or them the Payment of the Said Duty, or the Sum agreed on by Bond or otherwise, at the discretion of the Said Farmer or Farmers, who are thereupon to give a Permit in Writing to Such Person or Persons to Retail Strong Liquors.

Be it Enacted by the Same Authority that if any Person or Persons Shall retail Strong Liquors in this Colony, before he, She, or they have Entered into Recognizances and obtained a License or Permit, or Paid the Duty in Manner aforesaid, he, She, or they So offending, Shall not only be Subject and Liabile to the Penalties & forfeitures, Contained in the before mentioned Act, but moreover forfeit the sum of Ten Pounds, to be recovered in a Summary Way, in the City's of New York & Albany before the Mayor or Recorder, and one or more Aldermen of the Said City's Respectively, and in the Countys by any two Justices of the Peace, one whereof to be of the Quorum, and if upon Conviction the Said forfeiture be not paid, the Same is to be Levied on the Goods & Chattles of the offender or offenders, by Warrant under the hands and Seals of the Persons before whom Such Conviction Shall happen, and if no goods or Chattles are found on which to Distrain, it Shall be Lawfull for the Persons who heard & Determined the Cause to Commit



the offender or offenders to Goal, Without Bail or Mainprize, for the space of three Months unless the Said Penalties are Sooner Discharged, and the Said Respective Magistrates, Shall be, and hereby are fully impowered, directed, & Required to hear and determine those Matters in the manner aforesaid, and to give Judgment, and if need be to award Execution thereon, and to Issue a Warrant or Warrants for Commitments of Offenders as the Case may require, one half of which forfeiture Shall be to the Informer or Informers and the other Shall by the officer by whom the Same Shall be Levied be paid to the Church Wardens or overseers of the Poor, of the City, Town, Mannor, or Precinct, where the Same may arise, and by them be applied to the use of the Poor of the Said place or Places.

AND that the Expence of being Qualified to Retail, may be within the bounds of Moderation; Be it Enacted by the Authority aforesaid, that no more or greater Sum Shall be Demanded or Received for a Recognizance or Licence in the Citys of New York & Albany, than the usual & accustomed Fees, and in the Respective County's, than the Sum of three Shillings

AND Whereas Several Persons as well in the Said Citys, as in the County's not being Tavren keepers, dispose of Strong Liquors from their Cellars and Stores under the Quantity of Five Gallons, not Drank there but carried from thence to other places; Be it Provided and Enacted by the Same Authority, that Such Persons Shall not be obliged to enter into Recognizance, and take Licence as in manner aforesaid, any thing Contained in this or the aforesaid Act to the contrary Notwithstanding; But that they and each of them Shall Nevertheless be and hereby are required and obliged to agree for the Excise with the Respective Farmers thereof, and obtain his or their Permit for so doing, or Pay the Duty in Mannor aforesaid before Such Person or Persons Shall retail Strong Liquors without Doors under the Said Quantity of Five Gallons, and in default thereof every offender or offenders Shall be Subject and Liable to the Penalties and forfeitures which in Such cases are directed and Mentioned in and by the Act Aforesaid.

AND be it Enacted by the Same Authority, that of All the Penalties which may arise upon the breach of the Recognizances hereby directed to be entered into, one half Shall be to the Informer or Informers that Shall Sue for and Prosecute the Same to Effect and the other half Shall be paid to the Treasurer, and

Employed by him to Sink & Cancell Bills of Credit, Struck and Issued upon the Duty of Excise, and that all other Forfeitures which may arise by virtue of this Act, not herein before applyed Shall be to the Sole use and benefit of the Farmers Respectively.

AND be it further Enacted by the Authority aforesaid, that all the money's to be paid to the Treasurer, by the Several before named Farmers, Shall be employed for and towards Cancelling Bills of Credit Struck and Issued upon the Said Duty of Excise, at the times and in the manner directed in and by an Act Entitled an Act for the more Effectual Cancelling the Bills of Credit of this Colony Passed in the Twenty first Year of his present Majesties Reign, and to and for no other use and Purpose whatsoever.

[CHAPTER 915.]

[Chapter 915 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act to Enable the Supervizors of Richmond County to raise the Sum of Sixty Pounds for Building a Dwelling House adjoining to the Goal of Said County, for the Residence of the Keeper of Said Goal.

[Passed, November 25, 1751.]

WHEREAS there have been frequent Escapes made out of the County Goal in Richmond County occasioned chiefly for want of a Suitable apartment adjoining thereto, for the constant Residence of the Keeper of Said Goal to attend on the Prisoners there confined, for Remedy Whereof.

BE it Enacted by his Excellency the Governor, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, that the Supervizors of the Said County of Richmond, or the Major part of them, Shall be, and hereby are Enabled and impowered at their Meeting in June Next for Raising the Government Taxes, to Raise the Sum of Sixty Pounds, by a Tax on the Estates Real and Personal of all the Freeholders and Inhabitants, in the Said County, which Said Sum Shall be Raised, assessed & Collected in the Same Manner as the Annual Contingent Charges of the Said County are raised assessed and Collected.

AND be it further Enacted by the Authority aforesaid, that the Said Sum of Sixty Pounds Shall be by the first Day of



October next, collected and paid unto one of the Judges of the Inferior Court of Common Pleas, in the Said County of Richmond, which Said Judge Shall Issue and apply the Same for and Towards the Erecting compleating and finishing an Apartment adjoining to the Goal of Said County Suitable and convenient for the Residence of the Keeper of the Said Goal, which Said Sum the Said Judge, Shall Issue and pay by order from the Justices of the Peace of the Said County, or the Major part of them, and not otherwise, and be accountable to the Supervisors of the Said County for the due disposition thereof.

[CHAPTER 916.]

[Chapter 916 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act to Raise Levy and Collect the Sum of Sixty Six Pounds in the City and County of NEW YORK for the Services therein Mentioned.

[Passed, November 25, 1751.]

WHEREAS John Burnet late Coroner of the City and County of New York hath taken Seventeen Inquests on the Dead Bodys of Poor Persons, for which he hath Received no allowance or Reward and it being conceived Just and Reasonable that he should be allowed and Paid for his Trouble and Expence therein the Sum of Thirty Eight Pounds, Including the Sum of Four Pounds, to be by him Paid unto the Two Surgeons Employed by him in opening the Bodys of Edward Pendergrass and Thomas McCarty, at the Request of the Jurors on the Views of the Said Body's; AND Whereas John Van Cortlandt also late Coroner of the Said City of New York deceased, in his life time had taken the View of Four Poor Dead Body's, as appeared by the Inquisitions Produced, for which he had not received any Reward, and it being also Conceived Reasonable, that there should be allowed to the Executors or administrators of the Said John Van Cortlandt, the Sum of Eight Pounds for that Service AND Whereas Anthony Rutgers the Present Coroner of the City and County of New York, hath taken Seven Inquests, on the Dead Bodys of poor Persons, for which he hath received no allowance or Reward and it being Conceived Just and Reasonable, that he Should be allowed and paid for his Trouble and Expence therein the Sum of Twenty Pounds, Including the Sum of Six

Pounds, to be by him paid unto the Surgeon Employed by him in Opening the Body's of Alexander Ore, Thomas Mitchell, and Andrew Crane, at the Request of the Jurors on the Views of the Said Body's.

BE it therefore Enacted by his Excellency the Governor, the Councill and the General Assembly and it is hereby Enacted by the Authority of the Same, that there be Raised, Levied and Collected upon the Freeholders, Inhabitants, and Residents of the City and County of New York, the Sum of Sixty Six Pounds, to be paid unto the Said John Burnet, the Executors or Administrators of the Said John Van Cortlandt, and Anthony Rutgers, their Executors or Administrators for the Services aforesaid, and that the Said Sum of Sixty Six Pounds together with twelve pence in the Pound for collecting the Same, be Raised, Levied, and collected, in the Same manner and by the Same persons, and together with the next Tax that shall be Raised, Levied, and Collected, for the Support and maintenance of the Minister and poor of the City and County of New York and Shall together with the Same Minister and Poor Tax, be paid by the Several Constables that Shall Collect the Same, (they Retaining in their hands the Said Sum of twelve pence in the pound) into the hands of the Church Wardens of the Said City of New York for the time being.

AND be it further Enacted by the Authority aforesaid, that the Church Wardens of the City of New York for the time being, Shall out of the moneys to be Raised Collected and paid into their hands by Virtue of this Act Pay unto the Said John Burnet, and Anthony Rutgers, their Executors Administrators, or assigns, and to the Executors or Administrators of the Said John Van Cortlandt, on or before the first day of May Next Ensuing the Respective Sums following, (that is to Say,) to the Said John Burnet his Executors Administrators or assigns the Sum of Thirty Eight Pounds; unto the Executors or Administrators of the Said John Van Cortlandt, the Sum of Eight Pounds; And to the Said Anthony Rutgers his Executors, Administrators or assigns, the Sum of Twenty Pounds, and the Respective Receipts of the Said John Burnet, the Executors or Administrators of the Said John Van Cortlandt, and Anthony Rutgers their Executors Administrators or Assigns, Shall be a Sufficient acquittance or Discharge for the Same to the Said Church Wardens.



AND Be it further Enacted by the Same Authority, that if the Justices of the Peace, Vestry men or Constables of the City of New York aforesaid, (who are hereby Required, Empowered and Authorized to take Effectual care, that this Act be duely Executed according to the true Intent and meaning thereof,) or if any of them Shall deny Refuse or delay to perform and Execute all or any of the powers, Duties and Authority's in this Act required to be done and performed by them or any of them, and Shall thereof be Lawfully Convicted in any Court of Record in this Colony, he or they so denying, Refusing or delaying to perform the duties aforesaid, Shall Suffer Such pains and penalties by fine or Imprisonment, as by the discretion of the Justices of the Said Court Shall be adjudged, to be Sued for and Recovered by the person or persons aggrieved thereby.

[CHAPTER 917.]

[Chapter 917 of Livingston & Smith and Van Schaack, where the title only is printed. Expired January 1, 1753.]

'An Act for the Relief of Insolvent Debtors  
With respect to the Imprisonment of their  
Persons in the City of New York.

[Passed, November 25, 1751.]

WHEREAS many persons by losses and other Misfortunes are rendered incapable of Paying their whole Debts, and tho' they are willing to make the utmost Satisfaction they can, are nevertheless detained Prisoners by their Creditors, and whereas Such unhappy Debtors have always been deemed the proper Objects of Publick Compassion, Therefore for the Relief of Such Prisoners, within the City of New York, who shall be willing to Satisfy their Creditors as far as they are able

Be it Enacted by the Governor, the Councill & the General Assembly and it is hereby Enacted by the Authority of the Same, that if any Person or persons within the Said City, now Charged in Execution, or having been committed for the Space of three Months or longer upon a Capias, before the publication of this Act, whose Debt or Debts do not exceed in the whole the Sum of Fifty Pounds Current Money of this Colony, Shall be minded to deliver up to his, her, or their Creditors, all his, her, or their Effects towards the Satisfaction of Such Debts; It Shall and may be Lawfull for Such prisoner, or Prisoners to

exhibit a Petition to any of the Courts of Law within the City of New York, from whence the Process issued, upon which he, She, or they, was or were taken in Execution, or other Process as aforesaid, certifying the cause or causes of his her or their Imprisonment, and an account of his her or their whole Estate both Real and personal with the dates of the security's wherein any part of it Consists, and the Books, Deeds, and Notes Relating thereto, with the Names of the Witnesses to the Same, so far as his, her, or their Knowledge extends thereto, and upon Such petition the Court, may and are hereby Required, by rule of Court, to cause the prisoner to be brought before them, and the Several Creditors at whose Suit, or Suits, he, She, or they Stand Charged, and all other his or her Creditors that are or can be Known to the Court to be Summoned to appear Personally, or by their Attorneys at a day to be appointed for that Purpose, and upon the Day of Such appearance if any of their Creditors Summoned refuse, or neglect to appear upon Affidavit made of the due Service of Such Rule or order, or upon Affidavit made that the Creditor or Creditors are not to be found, the Court Shall in a Summary way Examine into the matter of the Said petition, and hear what can or Shall be alleged on either Side for or against the discharge of Such Prisoner and upon Such their Examination the Court, may and are hereby required to Administer or tender to the Prisoner an Oath, or Affirmation to the Effect following; Which Oath or Affirmation, the Said Courts are hereby empowered to Administer.

I A, B, do Solemny Swear in the presence of Almighty God, (or being of the people called Quakers, Sincerely and truly declare and Affirm) that the Account by me delivered in my petition doth Contain a full and true account of all my Real and Personal Estate, Debts, Credits, and Effects whatsoever, which I or any in Trust for me have, or at the time of my petition had, or am, or was in any Respect entitled to, in Possession, Remainder or Reversion, Except my personal Wearing apparel, and Bedding not exceeding Five Pounds in Value in the whole and the Necessary tools and Instruments of my Trade and Calling not exceeding Five Pounds in Value in the Whole, and that I have not at any time Since my imprisonment or before, directly or indirectly, Sold, leased, assigned, or otherwise disposed or made over in trust for myself or otherwise, other than is Mentioned in Such Account, any part of my Lands, Estate, Goods, Stock, Money, Debts or other Real and



Personal Estate whereby to have or expect any benefit or Profit to myself, or to defraud any of my Creditors to whom I am Indebted.

AND in case the prisoner Shall in open Court take the Said Oath or Affirmation, and upon Such Examination, and his or her taking the Said Oath or Affirmation the Creditors Shall be Satisfied with the Truth thereof, the Court may immediately order the Lands, Goods, and Effects Contained in Such account, or So much of them as may be Sufficient to Satisfy the Debts, wherewith he or She, is or Shall be Charged together with Costs of Suit, and the Fees due to the Keeper of the Goal or Prison of the City of New York, to be by a Short indorsement on the back of Such Petitions assigned by the Prisoner to the Said Creditors or one or more of them, in trust for the rest of them, or to Some proper person, to be by the Said Court appointed in trust for all the Creditors, and by Such Assignment, the Estate, Interest, and property of the Lands, Goods, Debts and Effects So assigned, Shall be Vested in the person or persons to whom Such assignment is or Shall be made, who may take possession of, or Sue for the Same in his or their own Name or Names in like manner as assignees of Commissioners of Bankrupts; to which Suit no Release of the Prisoner, his, or her Executors or Administrators, or any Trustee for him, or her, Subsequent to Such assignment Shall be any Bar, and immediately upon Such Assignment Executed, the Said Prisoner Shall be discharged out of Custody by order of Court, and Such order Shall be a Sufficient Warrant to the Sheriff Goaler, or Keeper of Such prison, to discharge the Said Prisoner, if detained for the Causes mentioned in Such Petition and no other, and he is hereby required to discharge and Set him at Liberty forthwith without Fee, nor Shall Such Sheriff or Goaler be liable to any Action of Escape or other Suit or Information upon that Account; and the person or persons to whom the Said Effects Shall be assigned paying the Fees to the Goaler or Keeper of the Prison of the City of New York, Shall be and are hereby required to divide the Effects so Assigned amongst the Creditors, and all the persons for whom they shall be intrusted in proportion to their Respective Debts; But in Case the person or persons at whose Suit Such prisoner was Charged in Execution, or any other process, or any other Creditors Shall not be Satisfied with the truth of Such An Oath, or Affirmation, but Shall desire further time to inform himself

of the Matters Contained therein, the Said Court may and Shall remand the Said prisoner, and direct the Said prisoner, and the person or persons dissatisfied with Such Oath or Affirmation to appear at another day to be appointed by the said court, and if at such Second day so to be appointed, the Creditor or Creditors so dissatisfied with Such Oath or Affirmation Shall make default in appearing and in case he or they Shall appear but Shall be unable to discover any Estate or Effects of the Prisoner omitted in Such his or her Petition, or to Shew any Probability of his or her having been forsworn, or to have declared falsely in the Said Oath or Affirmation, then the Said Court, Shall immediately Cause the Said prisoner to be discharged upon Such Assignment of his or her Effects in manner as aforesaid, unless Such Creditor or Creditors do insist upon his or her being detained in prison, and do agree by Writing under his hand to pay and allow any sum of Money that Shall be assessed by the Court not Exceeding Three shillings per Week unto the Said Prisoner to be paid the Monday of every Week So long as he or She Shall Continue in prison, at his, her, or their Suits, on Failure of the payment of which Weekly Sum at any time, the Said Prisoner Shall forthwith upon Application to the Court be discharged by Such order as aforesaid, but in Case the Said Prisoner Shall Refuse to take the Said Oath, or Affirmation, or having taken the Same Shall be detected of Falsity therein, he or they Shall be presently remanded.

AND be it further Enacted by the Authority aforesaid, that no person to be discharged Shall at any time hereafter be Imprisoned by Reason of any Judgment or decree obtained for Payment of Money only of for any Debt, Cost, Sum or Sums of money Contracted, Occasioned, Owing or Growing due before the time of his or her discharge, but that upon every Arrest, every Such Judgment or decree for Such Debts, Cost, Sum or Sums of Money it Shall and may be Lawfull for any Judge of the Court where the Process Issued upon Shewing the Duplicate of Such Prisoners discharge or discharges, to Release and discharge out of Custody Such Prisoner, or Prisoners as aforesaid, and the Judge is hereby Impowered so to do, so as every Such Prisoner or Prisoners, arrested or Detained in Execution or other Process, as aforesaid, do give a Warrant of Attorney to appear to every Such Action, and Plead thereunto



AND be it further Enacted by the Authority aforesaid, that if any Action of Escape, or any Suit or Action be brought against any Sheriff, Goaler or Keeper of any Prison of the City of New York, for performing their office in pursuance of this Act, they may plead the General Issue, and give this Act in Evidence, and if the plaintiff be Nonsuited, or discontinue his Action, or Verdict pass against him, or Judgment upon Demurrer, the Defendant Shall have Treble Cost Provided that the discharge of any person by Virtue of this Act, Shall not acquit any other Person from Such Debts, Sum or Sums of Money or any part thereof, but that all others Shall be answerable for the Same in Such manner as before the passing of this Act, And provided that this Act Shall not Extend to discharge any person out of Prison, who Shall Stand Charged at the Suit of the Crown only.

PROVIDED always and be it further Enacted by the Authority aforesaid, that notwithstanding the discharge of the person of Such Prisoner or Prisoners as aforesaid all and every Debt or Debts due and owing from the Said Prisoner or Prisoners, and all and every Judgment or Judgments had and taken, and decree obtained against him or her, Shall Stand and be good and Effectual in the Law, to all intents and Purposes, against the Lands, Tenements, Hereditaments, Goods and Chattles, of the Said Prisoner so discharged as aforesaid; which he, She, or they, or any Person or Persons in trust for him, her, or them at the time of Such discharge hath, or have or at any time hereafter, Shall or may be in any wise Seized or Possessed of, Interested in, or Intituled to, either in Law or Equity, Except his, her, or their, Wearing apparell, Bedding for his, her, or their Family's, and Working tools and Implements Necessary for his her or their Occupations, not exceeding the Value of Five Pounds in the Whole, and it Shall and may be Lawfull to and for Such Creditor or Creditors of Such Prisoner or Prisoners so discharged as aforesaid, his, her, or their Executors or Administrators to take out a New Execution against the Lands, Tenements Heridtements, Goods and Chattles of such prisoner or Prisoners, (Except as before excepted) for the Satisfaction of his, her, or their Debts, in Such Sort Manner and form, as he, She, or they might have done if the Person or Persons, of Such Prisoner or Prisoners had never been taken in Execution or other process as aforesaid, any Act, Statute, Law, or Custom to the Contrary in any wise Notwithstanding.

PROVIDED also and be it further Enacted by the Authority aforesaid, that if any such person who Shall take Such Oath or Affirmation as aforesaid Shall upon any Indictment for Perjury in any Matter or Particular, contained in the Said Oath or Affirmation be Convicted by his or their own Confession or by Verdict of twelve men, as he, or she may be by force of this Act, the person so Convicted Shall Suffer all the pains and forfeitures which may by Law be inflicted on any Person Convicted of Wilfull perjury, and Shall likewise be liable to be taken on any Process De Novo, and Charged in Execution for the said Debt in the Same Manner, as if he, or she had never been discharged or taken in Execution before, and Shall never after have any benefit of this Act.

PROVIDED also and be it further Enacted by the Authority aforesaid, that if the Effects So assigned Shall not extend to Satisfy the Whole Debts due to the Creditors of the person or persons so discharged, and the Fees due to the Goaler there Shall be an abatement in proportion, and Such Goaler Shall come in as a Creditor for what Shall then be due to him for his fees in proportion with the other Creditors.

AND be it further Enacted by the Authority aforesaid, that where there are Mutual Debts between the Debtor or Debtors, and his, her, or their Creditors, or if either party Sue, or be Sued as Executors or administrators where there are any Mutual Debts between the Testator, or Intestate, and either party, one debt Shall be set against the other, and Such Matter may be given in Evidence upon the General Issue, or Pledged in Barr as the Nature of the case Shall require, so as at the time of the pleading the General Issue where any Such Debts of the Plaintiff, his Testator or Intestate is intended to be insisted on in Evidence, Notice Shall be given of the particular Sum or Debts So intended to be insisted on, and upon what account it became due, otherwise Such Matter Shall not be allowed in Evidence upon the General Issue. PROVIDED that where any Rent Shall be due from any Prisoner or Prisoners at the time of his, her or their Respective discharges, no goods or Chattles then lying or being in or upon the Respective Tenements, or Lands So in Lease, or liable to be distrained, Shall be removed or disposed off, without Consent of the Landlord or person to whom the Rent is due, untill the Same be paid or Satisfied; and that the Landlord may use all Lawfull ways for having and Recovering his Rent So as



that the Same exceed not one Years Rent by Distress or otherwise, as he might have had or could have done Before the Making this Act, Any thing herein contained to the contrary in any wise notwithstanding. And PROVIDED also that this Act Shall not Bar any absent or distgnt Creditor, who had not Notice of the prisoners application to the Court as aforesaid.

AND be it further Enacted by the Authority aforesaid, that this Act Shall be of Force, from the publication thereof untill the first day of January, which will be in the Year of our Lord, One Thousand Seven Hundred and Fifty Three.

[CHAPTER 918.]

[Chapter 918 of Livingston & Smith and Van Schaack, where the title only is printed. See chapters 703, 841. Continued by chapter 922.]

An Act to continue the two Acts therein mentioned, for and towards Supporting the Government of this Colony.

[Passed, November 25, 1751.]

WHEREAS the Act Entituled an Act for and towards Supporting the Government of this Colony, by granting to his Majesty the Duty's therein mentioned from the first day of December, one Thousand Seven Hundred and Forty, to the first day of December one Thousand Seven Hundred and Forty one Passed in the Fourteenth Year of his Present Majesties Reign, and also the Act Entituled an Act further to continue an Act Entituled an Act for and towards Supporting the Government of this Colony, by granting to his Majesty the Duties therein mentioned, from the first day of December one Thousand Seven Hundred and Forty, to the first Day of December one Thousand Seven Hundred and Forty one, with an addition thereto, passed in the Twentieth Year of his Present Majesty's Reign, were continued by Several Subsequent Acts to the first day of January one Thousand Seven Hundred and Forty nine, and then Expired, were afterwards by another Act Entituled an Act to Revive the two Acts therein Mentioned, for and towards Supporting the Government of this Colony, Passed in the Twenty Fourth Year of his Present Majesties Reign Revived and Enacted to be and Remain in force to the first day of January Next. And the General Assembly being Willing to make Provision for the Further Support of the Government of this Colony.

BE it therefore Enacted by his Excellency the Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the Same, that the above mentioned Acts, the one Entituled an Act for & towards Supporting the Government of this Colony, by granting to his Majesty the Duty's therein Mentioned, from the first Day of December, One Thousand Seven Hundred and Forty, to the first Day of December One Thousand Seven Hundred and Forty one, The other Entituled an Act further to continue an Act, Entituled an Act for and towards Supporting the Government of this Colony by granting to his Majesty the Duties therein Mentioned, from the first Day of December, one Thousand Seven Hundred and Forty one with an addition thereto; Shall be, and hereby are Continued, and every Clause, Article and thing, in the Said Two Acts Contained to be and Remain in full Force and Virtue to all Intents, Constructions & purposes Whatsoever, for one whole Year, from the Said First day of January Next.

## [CHAPTER 919.]

[Chapter 919 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 779. Expired January 1, 1760. Provided for by chapter 1103.]

An Act Further to Continue an Act Entituled an Act to Restrain Hawkers and Pedlars within this Colony from Selling without Licence

[Passed, November 25, 1751.]

BE it Enacted by his Excellency the Governor, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That one Act Entituled an Act to Restrain Hawkers and Pedlars within this Colony from Selling without Licence, passed in the Thirteenth Year of his Majesties Reign, and by a Subsequent Act Passed in the Eighteenth Year of his Majesties Reign, Continued till the first Day of December Next, Shall be, and hereby is further Continued & Every Clause, Article, Matter, and thing, therein Contained Enacted, to be and Remain of full force and Virtue, to all Intents, Constructions and Purposes whatsoever, from the Said first Day of December Next, untill the first Day of January which will be in the Year of our Lord, One Thousand Seven Hundred and Sixty



## [CHAPTER 920.]

[Chapter 920 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for the Payment of the Salaries and Services of the Government untill the first day of September one Thousand Seven Hundred and Fifty Two.

[Passed, November 23, 1751.]

BE it Enacted by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same, That the Treasurer of this Colony Shall be, and hereby is directed out of the Funds appropriated to the Annual Support of the Government of this Colony to Pay at the times, and in the Manner herein after directed, the Several Salaries, and allowances following, to wit.

To his Excellency the Governor for administring the Government of this Colony from the first day of September One thousand Seven Hundred and Fifty one, to the first day of September which will be in the Year of our Lord One thousand Seven Hundred and fifty two, After the Rate of one thousand Five Hundred and Sixty Pounds per Annum

To his Said Excellency the Governor, or the Commander in chief for the time being for Fire Wood and Candles for his Majesties Garrison in the City of New York, from the thirteenth of June One thousand Seven Hundred and Fifty one, to the thirteenth of June One thousand Seven Hundred and Fifty two, the Sum of Four Hundred Pounds.

To James De Lancey Esquire as Cheit Justice of this Colony and for going the Circuits from the first day of September one thousand Seven Hundred and Fifty one to the first day of September One thousand Seven Hundred and fifty two, after the rate of Three Hundred Pounds per Annum.

To John Chambers Esquire as Second Justice of the Supreme Court of this Colony and for going the Circuits, from the date of his Commission to the first day of September One Thousand Seven Hundred and Fifty two, after the Rate of One Hundred & Fifty Pounds per Annum.

To John Van Renslaer for providing Fire Wood and Candles for the Garrisons in the Forts at Albany, Schonectady and Fort William, from the first day of September One thousand

Seven Hundred and Fifty one, to the first day of September One thousand Seven Hundred and Fifty Two, the Sum of Two Hundred and Seventy Five Pounds.

To Arent Stephens for his Salary as Indian Interpreter and all other Services, which he has been, or shall be directed to do, by the Governor or commander in Cheif for the time being from the first day of September one thousand Seven Hundred and Fifty one to the first day of September One thousand Seven Hundred and Fifty two after the rate of Ninety Pounds per annum

To the Secretary of this Colony for the time being, for Engrossing and Enroling the Acts of the General Assembly, from the first day of September One thousand Seven Hundred and Fifty one, to the first day of September One thousand Seven Hundred and Fifty two the Sum of Thirty Pounds.

To the Clerk of the Council for the time being for his Service in that Station from the first day of September One thousand Seven Hundred and fifty one to the first day of September One thousand Seven Hundred and Fifty two the Sum of Thirty Pounds.

To the Doorkeeper of the Council for the time being for his Services in that Station, from the first day of September One thousand Seven Hundred and fifty one to the first day of September One thousand Seven Hundred and fifty two the Sum of Twenty Pounds.

To James Parker as Publick Printer of this Colony from the first day of September One thousand Seven Hundred and Fifty one to the first day of September One thousand Seven Hundred and Fifty two, after the Rate of Fifty Pounds per annum.

To Lawrence Roome as land and tide Waiter of the Colony Duties, or to the land, and tide Waiter thereof for the time being from the first day of September One thousand Seven Hundred and Fifty one to the first day of September One thousand Seven Hundred and fifty two after the rate of thirty Pounds per annum.

To John Kip as Guager of Liquors Subject to the Said Duties or to the Guager thereof for the time being from the first day of September One thousand Seven Hundred and Fifty One to the first day of September One thousand Seven Hundred and Fifty two after the Rate of Thirty Pounds per Annum.

To Captain John Waldron as Keeper of the Colony Stores of War in the City of New York for his Service in that Station from the first day of September One thousand Seven Hundred



and Fifty one to the first day of September One thousand Seven Hundred and Fifty two after the Rate of Twenty Pounds per annum.

ALL which before mentioned Several allowances Shall be paid by the Treasurer, on Warrants issued in Council, Signed by the Governor or Commander in Cheif for the time being, by and with the advice and Consent of the Council Quarterly or at the Respective times Mentioezed in the Said Allowances, provided the Said Warrants do not Exceed the Several and Respective Sums before Mentioned, and the Receipts of the Said Several persons endorsed on the said Warrants, Shall be to the Said Treasurer good Vouchers and discharges for So much as Shall thereby be acknowledged to be Received.

AND be it Enacted and provided by the Authority aforesaid, that if his Excellency Shall happen to Die, Remove out of this Colony, or be Superseded in the Administration of this Government, or that any of the before Mentioned Officers Shall happen to Die, or be Removed from their Respective offices before the first day of September which will be in the Year One thousand Seven Hundred and fifty two, Warrants may be Issued in Manner aforesaid for so much only out of the Respective Sum or Sums allowed in this Act, as at the time of Such Death, Supersedure or Removal Shall Really be due to him, or them, and if Such Warrant or Warrants exceed not Such Arrear the Tresurer Shall pay the Same to Such officer or officers Respectively or to his or their Executors, administrators or Assigns, and the Remainder of Such allowance or allowances Shall remain in the Treasury, untill disposed off by Act or Acts hereafter to be passed for that purpose.

AND be it Enacted by the Authority aforesaid, that the Said Treasurer Shall out of the Funds aforesaid pay the allowances following, to wit.

To Robert Charles Esquire agent for this Colony in great Brittain, as a Reward for his Care trouble and Diligence in Attending his Majesty and his Ministers of State, in that Station from the first day of September One thousand Seven Hundred and fifty one to the first day of September One thousand Seven Hundred and Fifty Two after the Rate of Two Hundred Pounds per annum, Which Said Sum or so much thereof as Shall be really due, Shall be paid by an order of the General Assembly, Signed by the Speaker of the Same for the time being and not otherwise.

To Abraham Lott junior Clerk of the General Assembly for his Service in that Station from the first day of September One thousand Seven Hundred and Fifty one, to the first day of September One thousand Seven Hundred and Fifty Two, Twelve Shillings per Diem, on a Certificate from the General Assembly, Signed by the Speaker for the number of Days he has Served, or may Serve the General Assembly.

To Alexander Lamb Doorkeeper to the General Assembly for his Service in that Station from the first day of September One thousand Seven Hundred and fifty one, to the first day of September One Thousand Seven Hundred and Fifty Two, Five Shillings per Diem, on a Certificate from the General Assembly, Signed by the Speaker for the Number of Days which he has Served, or may Serve the General Assembly.

To the Said Abraham Lott junior, for money advanced by him for Eight Volumes of Chandlers History and Proceedings of the House of Commons, and for other disbursements for the use of the General Assembly the Sum of Eight Pounds thirteen Shillings and Six pence.

To the Said Alexander Lamb for providing Fire Wood and for Several other disbursements for the use of the General Assembly the Sum of Ten Pounds one Shilling and Six pence. And their Respective Receipts Shall be to the Treasurer good Vouchers and discharges for the Same.

To Abraham De Peyster Esquire Treasurer of this Colony for his Service in that Station from the first day of September One thousand Seven Hundred and Fifty one, to the first day of September One thousand Seven Hundred and Fifty two, after the Rate of Two Hundred Pounds per annum; And for the Extraordinary Services which he is now Obligated to perform Over and above the usual Duty of his Office, after the rate of One Hundred Pounds per annum.

To the Said Abraham De Peyster for moneys advanced by him to his Excellency for making a Present of Condolence to the Six Nations of Indians on the Death of his Royal Highness the late Prince of Wales; and for a Gratuity to Such of the Said Indians who had been taken prisoners by the French in the late War the Sum of two Hundred Pounds. Which Said Sums or so much thereof as Shall be really due, Shall be allowed unto the Said Abraham De Peyster, or to his Executors or administrators good Discharges for So much in his or their Accompts.

AND be it further Enacted by the Authority aforesaid, that



The Treasurer Shall keep exact Books of the Several Payments, which by this Act he is directed to make and render true accompts thereof, upon Oath to the Governor or Commander in Cheif for the time being, to the Council, or to the General Assembly, when by them or any of them, thereunto Required.

[CHAPTER 921.]

[Chapter 921 of Livingston & Smith and Van Schaack where the title only is printed.]

An Act for Naturalizing Piere Vallarde, Mary Elizabeth Vallarde Mary Elizabeth Colonge Widdow of Disleau, Johannis Cosman and Ernst Houtschilt.

[Passed, November 25, 1751.]

Whereas the above Named persons have by their Petition presented to the General Assembly desired that they may be Naturalized and become his Majesties leige Subjects within this Colony

Be it Enacted by his Excellency the Governor the Councill and the General Assembly, and it is hereby Enacted by the Authority of the Same, that the above named Piere Vallarde, Mary Elizabeth Vallarde, Mary Elizabeth Colonge Widdow of Disleau, Johannis Cosman and Ernst Houtschilt, Shall be, and hereby are declared to be Naturalized to all Intents, Construc-tions and Purposes whatsoever, and from henceforth and at all times hereafter Shall be intitaled to have and enjoy all the rights, liberty's Privileges and advantages, which his Majes-ties Natural Born Subjects in this Colony have and enjoy, or ought to have and enjoy, as fully to all intents and Purposes Whatsoever as if all and every of them had been Born within this Colony.

PROVIDED always and it is hereby further Enacted by the Same Authority, that all and every and each of the before mentioned persons, Shall take the Oaths appointed by Law, Instead of the Oaths of Allegiance and Supremicy, Subscribe the Test and make, Repeat, Swear to, and Subscribe the Ab-juration Oath, in any of his Majesties Courts of Record within this Colony, which Oath the Said Courts are hereby required, upon application to them made to administer, take Subscrip-tions, and Cause the Names of the persons So Swearing and Subscribing to be entered upon Record in the Said Court, and the Said before mentioned Persons are each of them hereby required to pay the Several Sums herein after Mentioned; that

is to say, to the Speaker of the General Assembly the Sum of Ten Shillings, to the Judge of the Court the sum of Six Shillings, and to the Clerk of Such Court the sum of three Shillings.

AND be it further Enacted by the Authority aforesaid, That if the said Persons, or any of them, having so sworn and Subscribed as aforesaid, Shall demand a Certificate of his or their being entered upon Record in the Manner herein before directed, the Court or Courts in which Such Oaths and Subscriptions Shall be made, are hereby directed and required to grant Such under THE hand of the Judge, and Seal of the said Court or Courts in which Such Oaths and Subscriptions as aforesaid Shall be made, Countersigned by the Clerk of the said Court, for which Certificate each of them Shall pay over and above the sums before mentioned the sum of Six Shillings, one half to the Judge of such Court and the other half to the Clerk thereof, which Certificate or Certificates, Shall at all times be to the person or persons therein Named a Sufficient proof of his or their being Naturalized by Virtue of this Act, in as full and Effectual a manner, as if the Record aforesaid was actually produced by the person or persons so named in Such Certificate

PROVIDED also and be it further Enacted by the Authority aforesaid that Such of the persons hereby Naturalized as Shall not take the Oaths, Test and abjuration in manner herein before directed within Nine Months after the publication hereof, Shall have no manner of benefit by this Act, any thing therein Contained to the Contrary notwithstanding

#### THE TWENTY-SEVENTH ASSEMBLY.

##### *First Session.*

(Begun October 24, 1752, 26 George II, George Clinton, Governor.)

#### [CHAPTER 922.]

[Chapter 922 of Van Schaack, where the title only is printed. Chapter 1 (vol. 2) of Livingston & Smith, where the title only is printed. Expired January 1, 1754. See chapter 918. Provided for by chapter 948.]

An Act further to continue the two Acts therein mentioned for and towards Supporting the Government of this Colony

[Passed, November 11, 1752.]

WHEREAS the Act Entituled an Act for and towards Supporting the Government of this Colony by Granting to his



Majesty the duties therein mentioned from the first day of December one thousand Seven Hundred and forty, to the first day of December One thousand Seven Hundred and forty one, passed in the fourteenth Year of his present Majesty's Reign, and also the Act Entituled an Act further to Continue an Act Entituled an Act for and towards Supporting the Government of this Colony by Granting to his Majesty the duties therein Mentioned from the first day of December one thousand Seven Hundred and forty to the first day of December One thousand Seven Hundred and forty one, with an addition thereto, passed in the Twentieth Year of his present Majesties Reign, were Continued by Several Subsequent Acts to the first day of January One thousand Seven Hundred and forty Nine, and then Expired were afterwards by another Act Entituled an Act to Revive the Two Acts therein mentioned for and towards Supporting the Government of this Colony passed in the Twenty fourth Year of his present Majesty's Reign Revived and by another Act passed in the Twenty Fifth Year of his Majesty's Reign Continued and Enacted to be and remain in force to the first day of January next, and the General Assembly being Willing to make Provision for the further Support of the Government of this Colony

BE it therefore Enacted by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same, that the above mentioned Acts the one Entituled an Act for and towards Supporting the Government of this Colony by granting to his Majesty the duties therein mentioned from the first day of December One thousand Seven Hundred and forty to the first day of December One thousand Seven Hundred and forty one, the other Entituled An Act further to Continue an Act Entituled an Act for and towards Supporting the Government of this Colony by granting to his Majesty the duties therein Mentioned from the first day of December One thousand Seven Hundred and forty to the first day of December one thousand Seven Hundred and forty one with an addition thereto, Shall be and hereby are Continued and every Clause, Article & thing in the Said two Acts Contained to be and remain in full force and Virtue to all intents Constructions and purposes Whatsoever from the Said first day of January Next, untill the first day of January which will be in the Year of our Lord One thousand Seven Hundred and Fifty Four

## [CHAPTER 923.]

[Chapter 923 of Van Schaack, where the title only is printed. Chapter 2 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapter 904. Continued by chapter 1054.]

An Act to Continue an Act Entituled an  
Act to Regulate the Gauging of Rum Brandy  
and other distilled Liquors, and Molasses and  
other purposes therein mentioned

[Passed, November 11, 1752.]

WHEREAS an Act Entituled an Act to Regulate the Gauging of Rum, Brandy and other distilled Liquors, and Molasses and other purposes therein mentioned, passed in the Twenty fourth Year of his present Majesties Reign will Expire by its own limitation on the first day of January now next Ensuing, and the Said Act having been found Very beneficial to the Inhabitants of this Colony

Be it Enacted by his Excellency the Governor, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above mentioned Act Entituled an Act to Regulate the Gauging of Rum, Brandy and other distilled Liquors, and Molasses and other purposes therein mentioned Shall be, and hereby is Continued and every Article Clause and thing therein Contained, Enacted to be and remain of force from the aforesaid first day of January next, untill the first day of January which will be in the Year of our Lord One thousand Seven Hundred and fifty Eight

## [CHAPTER 924.]

[Chapter 924 of Van Schaack; and chapter 3 (vol. 2) of Livingston & Smith, where the act is printed in full. Continued by chapter 1271.]

An Act to prevent damages by Swine in  
the Mannor of Livingston

[Passed, November 11, 1752.]

WHEREAS Several of the Inhabitants within the Mannor of Livingston in the County of Albany have been and Still are very negligent and remiss about their Swine in Suffering them to Run at large without any manner of Care or Restraint So that they often get into their Neighbours Cornfields, Orchards,



Gardens and other Inclosures and thereto do Considerable hurt and damage, as also in Rooting up the Woods near the Iron Works, to prevent which for the future.

BE it Enacted by his Excellency the Governor the Council & the General Assembly and it is hereby Enacted by the authority of the Same, that from and after the Publication of this Act it Shall and may be Lawfull for all and every the Inhabitants within the Said Mannor of Levingston from time to time and at all times hereafter during the Continuance of this Act to take and Impound in any Pound or place within the Said Maunor either Publick or Private, all Swine Small or great which Shall be found running at large on the Commons, Highways or uninclosed Lands or Shall get Into their or any of their Cornfields Orchards, Gardens or other Inclosures Contrary to the true Intent and Meaning of this Act, untill the owner or owners of Such Swine Shall Pay and Satisfy the Person or Persons who Shall So take and Impound them for every grown Swine Esteemed Six Months old and upwards the Sum of Nine pence Current Money of this Colony, and for every Swine under that age or So esteemed Six pence in like Money, besides the damages Such Person or Persons Shall have Sustained by means or Reason of Such Trespass or Trespases, with the Charge of Feeding the Said Swine during the time of their being Impounded, which Damage and Charge Shall be Ascertained by any Justice of the peace of the Said Mannor or County taking to his Assistance two of the neighbouring Freeholders of the Said Mannor under Oath, or by the Lord of the Mannor assisted by two of the Neighbouring Freeholders under Oath to appraise the Said Damages and Charge. Always provided that this Act (nor any part thereof) Shall not extend or be Construed to extend to any Swine whatsoever which Shall or may be found running at large on the lands of the owner or owners of the Said Swine, tho' the Said Lands lie Common or uninclosed, any thing herein before Contained to the Contrary Notwithstanding

AND be it further Enacted by the Authority aforesaid that in Case the owner or owners of Such Swine So taken kept and Impounded As Aforesaid Shall or will not WITHIN Forty Eight hours after due notice thereof had, of Such taking keeping and Impounding redeem their Swine by paying the Said penalty Damages and Charges Imposed by this Act, that then it Shall

and may be Lawfull for the Person or Persons So taking keeping and Impounding Such Swine, to Expose them to open Sale to the highest Bidder first giving at least Forty Eight hours Publick Notice of Such Sale by Advertisement, and out of the money arising by Such Sale to retain in their own hands So much as Shall be allowed for the damages & Charges decreed by the Justice and two Freeholders, or by the Lord of the Manor and two Freeholders, with the other penalty's laid by this Act as aforesaid, and the overplus if any be Shall return to Such owner or Owners, he, She, or they proving to be the true owner or owners of Such Swine and if no Such Owner or owners do put in their Claim, and prove themselves the true owners within three Months after Such Sale, then it Shall be paid to the Elders & Deacons of the Dutch Protestant Church in the Said Mannor for the use of the Poor in the Said Mannor. PROVIDED Nevertheless that no person or persons Whatsoever not being Freeholders or Inhabitants Shall have any power by this Act to take up or Impound any Swine as Aforesaid. This Act to Continue in Force to the Year One Thousand Seven Hundred and Sixty Five.

[CHAPTER 925.]

[Chapter 925 of Van Schaack, where the title only is printed. Chapter 4 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapter 899. Continued by chapter 1051.]

An Act to continue an Act Entituled an Act to prevent the Exportation of unmerchantable Flour, and the false taring of Bread and Flour Casks, with an Addition thereto.

[Passed, November 11, 1752.]

WHEREAS an Act Entituled an Act to prevent the Exportation of unmerchantable Flour and the false taring of Bread and flour Casks, passed in the Twenty fourth year of his present Majesty's Reign, will Expire by its own Limitation on the first day of January next, And the said Act having been found by Experience to be very usefull and beneficial to maintain the Credit of our Staple Commodities; Be IT THEREFORE ENACTED by his Excellency the Governor, the Council and the General Assembly and it is hereby Enacted by the Authority of the Same, that the Above mentioned Act Entituled an Act



to prevent the Exportation of unmerchantable Flour, and the false Taring of Bread and Flour Casks, Shall be and hereby is Continued, and every article Clause and thing therein Contained Enacted to be and remain in full force untill the first day of January which will be in the Year of our Lord, One thousand Seven Hundred & fifty Eight, except so much thereof as is altered by this Act.

AND Whereas it is provided and Enacted by the aforesaid Act, that all Wheat Flour bolted for Exportation Shall by the Bolter thereof be made Merchantable and of due fineness, and honestly and well Packed in good Strong Casks well made and of Staves well Seasoned with the tare of the Casks marked thereon and each and every Cask thereof well and Sufficiently Nailed on the forfeiture of one Shilling for each Cask made Contrary to the Said Provision, which Said forfeiture of one Shilling being Conceived to be too large

BE it Enacted by the Authority aforesaid that for and during the Continuance of this Act the forfeiture for the Said Offence Shall be one penny for each Cask and no more, any thing in this or in the aforesaid Act to the Contrary Notwithstanding

#### [CHAPTER 926.]

[Chapter 926 of Van Schaack, and chapter 5 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapter 133.]

#### An Act for altering the annual meeting of the Supervizors of the County of Ulster

[Passed, November 11, 1752.]

Whereas by an Act Entituled an Act for the better Explaining and more Effectual putting in Execution an Act of General Assembly made in the third Year of the Reign of their late Majesties King William and Queen Mary Entituled an Act for defraying of the Publick and Necessary charge throughout this Province and for maintaining the Poor, and preventing Vagabonds it is amongst other things Enacted that the Supervizors of the Several County's within this Colony Shall annually Meet on the first Tuesday in October, which Said First Tuesday in October has been found very Inconvenient for the Meeting of the Supervizors of the County of Ulster

BE it therefore Enacted by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that after the publication of

this Act, the Supervizors of the County of Ulster Shall not annually meet on the first Tuesday in October but Shall annually meet on the first Tuesday in May and Shall then Annually proceed on the Said first Tuesday in May in the Same Manner as they were to have done on the first Tuesday in October, and the Said Supervizors Shall be liable to the Same fines and forfeitures as they were before the Publication of this Act, any thing in the before mentioned Act to the Contrary hereof in any wise Notwithstanding

## [CHAPTER 927.]

[Chapter 927 of Van Schaack; and chapter 6 (vol. 2) of Livingston & Smith, where the title only is printed. See chapters 704, 873, 895. Expired January 1, 1755.]

An Act to continue the three Acts therein mentioned for Supporting the Garrison and Trading House at Oswego with an Addition thereto.

[Passed, November 11, 1752.]

WHEREAS an Act Entituled an Act to Support the Garrison and Trading House at Oswego Passed in the Eighteenth Year of his present Majesties Reign As also one other Act Entituled an Act further to continue an Act Entituled An Act to Support the Garrison and Trading house at Oswego with some additions thereto, passed in the Twenty Second Year of his Majesties Reign, as also one Other Act Entituled an Act to Continue the Two Acts therein Mentioned for Supporting the Garrison & Trading house at Oswego Passed in the Twenty fourth Year of his Majesties Reign, will Expire the first day of January next and for as much as it is Necessary to Support the Garrison and Trading house there.

BE it Enacted by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same, that the Three Acts before Mentioned Shall be and hereby are Continued and every Clause Article matter and thing in the Said three Acts Contained Enacted to be and remain in full force and Virtue to all Intents Constructions and Purposes Whatsoever from the Said first day of January Next untill the first day of January which will be in the Year of our Lord One thousand Seven Hundred and fifty five.



AND be it further Enacted by the Authority aforesaid that the Commissioners for Collecting the duty's laid by the Aforesaid Acts Shall be and hereby are impowered Authorized and required out of the moneys Arising by the Said duties to employ a Sum not Exceeding the Sum of Two Hundred Pounds for and towards repairing the Trading House at Oswego according to Such orders and directions as they Shall receive for that purpose from the Governor or Commander in Chief for the time being of the due disposition and application of which Said Sum they Shall render a just and true account On Oath to the Governor or Commander in Chief for the time being to the Council and to the General Assembly when by them or any of them thereunto required

[CHAPTER 928.]

[Chapter 928 of Van Schaack, and chapter 7 (vol. 2) of Livingston & Smith, where the title only is printed. Expired January 1, 1754.]

An Act to let to farm the Excise on Strong Liquors retailed in this Colony from the first day of January One thousand Seven Hundred and Fifty three to the first day of January which will be in the Year of our Lord One thousand Seven Hundred and Fifty Four.

[Passed, November 2, 1752.]

WHEREAS by an Act of the General Assembly Entituled an Act for laying an Excise on all Strong Liquors retailed in this Colony passed in the Twelfth Year of the Reign of her late Majesty Queen Anne there was given and granted to her said Majesty her heirs and Successors a duty of Excise on all Strong Liquors retailed in this Colony from the first day of November One thousand Seven Hundred and fourteen to the first day of November One thousand Seven Hundred & thirty four for the uses and purposes in the Said Act particularly mentioned which Said duty of Excise hath by Several Subsequent Acts been further Continued from the first day of November One thousand Seven Hundred and thirty four to the first day of November which will be in the Year of our Lord One thousand Seven Hundred and fifty Seven and Whereas Sundry persons have by themselves and by others in their behalf offered and Engaged to pay for the said duty of Excise in the City's & Countys of this Colony

from the first day of January next to the first day of January which will be in the Year of our Lord One thousand Seven Hundred and fifty four.

BE it therefore Enacted by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that the persons herein after named Shall be the farmers of the Said duty of Excise for and during the time last Mentioned in the Respective Citys & Countys of this Colony and to have and Receive the benefits thereof at the rates and for the Several Sums following, that is to Say.

Adolph Brass and James Mills for the City & County of New York for the Sum of One thousand and Fifteen Pounds.

Lucas Van Veghten and John Marten Beekman for the City & County of Albany for the Sum of One Hundred and Twenty Six Pounds.

Jacob Brewenton for Kings County for the Sum of Forty Pounds Thomas Moon for Queens County for the Sum of One Hundred and Fifty Pounds.

Nathaniel Williams for Suffolk County for the Sum of Seventy Six Pounds.

Clere Everett for Dutchess County for the Sum of Forty one Pounds.

John Elton and Henry De Witt for Ulster County for the Sum of Forty one Pounds

Benjamin Simons for Richmond County for the Sum of Thirty one Pounds.

Benjamin Brown jun'r and Underhill Budd for Westchester County for the Sum of Seventy one Pounds.

Johannis Bogart and John Yelverton for Orange County for the Sum of Twenty one Pounds AND for the Effectual Securing the Several Payments before mentioned BE IT ENACTED by the Authority Aforesaid that the Several farmers before named Shall be and are hereby required and obliged Severally to enter into the following Recognizances before any Judge of the Supream Court or of the Inferior Courts to his Majesty his heirs and Successors with Sufficient Sureties, that is to Say

Adolph Prass and James Mills in the City and County of New York for the penal Sum of Two thousand and Thirty Pounds

Lucas Van Veghten and John Marten Beekman for the City and County of Albany in the Penal Sum of Two Hundred And fifty two Pounds



Jacob Brewenton for Kings County in the Penal Sum of Eighty Pounds.

Thomas Moon for Queens County in the Penal Sum of three Hundred Pounds.

Nathaniel Williams for Suffolk County in the Penal Sum of One Hundred and Fifty Two Pounds

Clere Everett for Dutchess County in the Penal Sum of Eighty Two Pounds.

John Elton and Henry De Witt for Ulster County in the Penal Sum of Eighty two Pounds

Benjamin Simons for Richmond County in the Penal Sum of Sixty two Pounds

James Brown jun'r and Underhill Budd for Westchester County in the penal Sum of One Hundred and Forty two Pounds

Johannis Bogart and John Yelverton for Orange County in the penal Sum of Forty two Pounds

CONDITIONED that each of the Said Farmers shall well and truly pay to the Treasurer of this Colony the Respective Sums they have Severally farmed the Said duty of Excise at in two equal payments that is to say One half thereof on or before the first day of July Next Ensuing and the other half thereof within Six Months then Next following and the Judge or Judges before whom Such Recognizance or Recognizances are taken are hereby required to Cause the Same to be Recorded in the Minutes of the Said Respective COURTS and Afterwards to transmit the Same with all Expedition to the Said Treasurer with whom they are to remain untill they Shall be discharged.

AND to the end that the before named Several and Respective Farmers may not Excercise the powers hereby given before they Shall have Entered into the Recognizances hereby directed BE IT ENACTED by the Authority Aforesaid that every Such farmer who Shall put in Execution all or any of the powers Aforesaid before Such Recognizance Shall have been entered into he She or they in Such Case Offending Shall forfeit and Pay double the Sum for which they Respectively farmed the Excise to be Recovered in any of his Majesties Courts of Record in this Colony one half thereof to any person who will Sue for and prosecute the Same to Effect the other half to be paid to the Treasurer of this Colony to be applied for sinking and Cancelling the Bills of Credit Struck and Issued upon the duty of Excise

AND that there may be no failure in the Payments to be made to the Treasurer of the Several and Respective Sums which Should be paid by the Several and Respective farmers BE IT ENACTED by the Authority Aforesaid that the Treasurer of this Colony Shall and he is hereby directed and Required to put in Suit each and every Recognizance that Shall not be paid on or before the first day of July Next and within Six Months then next following or within one Month after each of the Said Days Respectively with the Interest thereof and for every failure of the Said Treasurer respecting the putting in Suit the Said Recognizances he Shall forfeit the Sum of Fifty Pounds to be Recovered in any of his Majesty's Courts of Record within this Colony by any person or persons who will Sue for and prosecute the Same to Effect to his her or their own proper use

AND to the End the Several before named farmers may have the full benefit of the Said duty of Excise from and to the time before mentioned, BE IT ENACTED by the Authority Aforesaid that they and each of them and each and every of their Executors administrators or Assigns Shall be and hereby are vested with all and Singular the powers and Authoritys for gathering and Collecting and Recovering the Said duty's and forfeitures imposed in the Said Act in the respective places the Said Excise is hereby farmed to them which in aid by the Same are granted and allowed to farmers of the Said Excise in as full ample and Effectual Manner to all Intents Constructions AND purposes whatsoever as if the Several Clauses relating thereto in the Acts Aforesaid had been at large inserted and Enacted in the Body of this Act

AND Whereas Several people and more Particularly in the City of New York do frequently Retail Strong Liquors in their Houses without being duely Licensed for that Purpose and whereas Such persons as Aforesaid as likewise Several others who are duely Licenced to Retail not only Sell Strong Liquors to Slaves but often Entertain great Numbers of them at their Houses or Suffer them to be entertained there which tempt and Encourage the Said Slaves to Rob their Masters and others for Supporting the Expence of Such Vile practices. BE IT ENACTED by the Authority Aforesaid that no person or persons whatsoever Shall be allowed or permitted to Retail any manner of Strong Liquors, in their houses or Elsewhere at



any time during the Continuance of this Act Untill he She or they have first entered into Recognizances that is to Say In the Citys of New York and Albany before the Respective Mayors thereof and in the Several County's in this Colony before two Justices of the Peace in the penal Sum of Twenty Pounds with Sufficient Sureties in the like Sum Conditioned to keep an orderly House according to Law during the time they Shall be licensed as Aforesaid and thereupon the Respective Mayors or the Said Justices Shall grant to the person or persons who have Entered into Such Recognizances a Licence under his or their hands and Seals to Retail Strong Liquors in Such house or place to be Mentioned therein at any time or times during the Continuance of this Act which Recognizances are to be lodged by the Person or Persons before whom the Same are taken viz't In the City's of New York and Albany with the Town Clerks and in the Countys with the Respective Clerks thereof, and upon Complaint made of the breach of the Said Condition it Shall be lawfull for the Said Mayors or Aldermen of New York and Albany or the Greater Number of them and in the Counties for the Justices of the General or Special Sessions of the Peace to Suppress the Licence or Licences of Such Offender or Offenders.

Be it further Enacted by the Same Authority that no person or Persons who have Obtained Such Licence as Aforesaid Shall be permitted to Retail Strong Liquors before he She or they have paid the duty's or agreed for the Excise with Such farmer or farmers as have taken the Excise in the place where he She or they intend to Retail and Secure to him or them the Payment of the Said duty or the Sum Agreed on by BOND or Otherwise at the discretion of the Said farmer or farmers who are thereupon to give a permit in Writing to Such Person or Persons to retail Strong Liquors

AND be it Enacted by the Same Authority that if any Person or Persons Shall retail Strong Liquors in this Colony before he She or they have entered into Recognizances and Obtained a Licence or Permit or paid the duty in Manner Aforesaid he She or they so Offending Shall not only be Subject and Lyable to the penalties and forfeitures contained in the before mentioned Act but moreover forfeit the Sum of Ten Pounds to be Recovered in a Summary Way In the City's of New York and Albany before the Mayor or Recorder and one

or more Aldermen of the Said Citys respectively and in the County's by any two Justices of the Peace one whereof to be of the Quorum and if upon Conviction the Said forfeiture be not paid the same is to be Levied on the goods and Chattles of the Offender or Offenders by Warrant under the hands and Seals of the Persons before whom Such Conviction Shall happen and if no goods or Chattles are found on which to distrain it Shall be lawfull for the persons who heard and ditermined the Cause to Commit the Offender or Offender to Goal without Bail or Mainprize for the Space of three Months unless the Said penalties are Sooner discharged and the Said Respective Magistrates Shall be and hereby are fully Impowered directed and Required to hear and determine those matters in the manner Aforesaid and to give Judgment and if need be to award Execution thereon and to Issue a Warrant or Warrants for Commitments of Offenders as the Case may require one half of which ferfeiture Shall be to the Informer or Informers and the other Shall by the officer by whom the Same Shall be Levied be paid to the Church Wardens or overseers of the poor of the City Town Mannor or Precinct where the Same may arise and by them be applyed to the use of the Poor of the Said place or places

AND that the Expence of being qualifed to Retail may be within the bounds of Moderation BE IT ENACTED by the Authority Aforesaid that no more or greater Sum Shall be demanded or received for a Recognizance or License in the Citys of New York and Albany than the Usual and accustomed fees and in the Respective Countys than the Sum of three Shillings

AND Whereas Several Persons as well in the Said Citys as in the Countys not being Tavern keepers dispose of Strong Liquors from their Cellars and Stores under the Quantity of Five Gallons not drank there but Carried from thence to other places BE it provided and Enacted by the Same authority that Such Persons Shall not be obliged to enter into Recognizance and take License as in manner Aforesaid any thing contained in this or the Aforesaid Act to the Contray notwithstanding but that they and each of them Shall nevertheless be and hereby are required and Obliged to agree for the Excise with the Respective farmers thereof and obtain his or their permit for so doing or pay the duty in Manner Aforesaid before Such person or Persons Shall Retail Strong Liquors without Doors under



the Said Quantity of Five Gallons and in default thereof every Offender or Offenders Shall be Subject and Lyable to the penalties and forfeitures which in Such Cases are directed and Mentioned in and by the Act Aforesaid

AND be it Enacted by the Same Authority that of all the penalties which may arise upon the breach of the Recognizances hereby directed to be Entered into One half Shall be to the Informer or Informers that Shall Sue for and prosecute the Same to Effect and the other half Shall be paid to the Treasurer and Employed by him to Sink and Cancell Bills of Credit Struck and Issued upon the duty of Excise and that all other forfeitures which may arise by Virtue of this Act not herein before applyed Shall be to the Sole use and benefit of the farmers Respectively

AND be it further Enacted by the Authority Aforesaid that all the Moneys to be paid to the Treasurer by the Several before named Farmers Shall be Employed for and towards Cancelling Bills of Credit Struck and Issued upon the Said duty of Excise at the times and in the Manner directed in and by an Act Entitled an Act for the more Effectual Cancelling the Bills of Credit of this Colony Passed in the Twenty first Year of his present Majesties Reign and to and for no other use and purpose Whatsoever.

#### [CHAPTER 929.]

[Chapter 929 of Van Schaack and chapter 8 (vol. 2) of Livingston & Smith, where the title only is printed.]

An Act to confirm the Courts of General Sessions of the Peace and Common Pleas held for the County of Richmond on the first Tuesday in October last

[Passed, November 11, 1752.]

WHEREAS by the ordinance that establisheth the Courts of General Sessions of the Peace and Common Pleas for the County of Richmond they are to be opened and held on the third Tuesday in March and the fourth Tuesday in September Yearly and by reason of the late Act of Parliament for altering the Stile of the Year what would have been the fourth Tuesday in September last according to the former Supputation hap-

pened to be on the first Tuesday in the October following upon which Said day of October the Judges and Justices of the Said Courts opened and held the Same as they Conceived it lawfull and right for them to do for the furthering of Publick Justice whereby Some doubts Difficulties and Disputes may arise concerning the legality of opening and holding the Said Courts on the Said first Tuesday in October last for Prevention of the Same BE IT ENACTED by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that the Said two Courts of General Sessions of the Peace and Common Pleas opened and held on the Said first Tuesday in October and all Writs Precepts, Recognizances Processes Suits and Controversies which were hanging and depending and returnable unto the Said Courts on the fourth Tuesday in September according to the Said former Supputation and actually returned unto the Said Courts on the Said first Tuesday in October and the Proceedings thereon according to the Course of the Said Courts Shall be and are hereby declared and Enacted to be as good valid and Effectual to all Intents Constructions and purposes whatsoever as if there had been no Alteration in the Stile of the Year any Law Usage or Custom to the Contrary Notwithstanding

AND be it Enacted by the Authority aforesaid that all and every the Several Writs and Precepts which have been or Shall be Issued out of the Said Courts Since their adjournments and Returnable on the third Tuesday in March Next following Shall be Executed and kept by the officer or Officers to whom the Execution thereof did or does belong and be returned to the Said March COURT or Courts respectively to which they were or are made returnable which Said Court or Courts Respectively are hereby fully Impowered directed and Authorized to take Cognizance of the Same and proceed thereon according to their usual Course and Practice

AND by it Enacted by the Authority Aforesaid that the Judges and Justices Aforesaid of the Said Courts who Opened and held the Same on the Said first Tuesday in October as Aforesaid are hereby acquitted and discharged of and from all Actions Suits or Informations that may be brought Against them or any of them for or by reason of their Opening and holding the Said Courts on the Said first Tuesday in October as Aforesaid.



## [CHAPTER 930.]

[Chapter 930 of Van Schaack, and chapter 9 (vol. 2) of Livingston & Smith, where the title only is printed.]

An Act for Payment of the Salaries and Services of the Government untill the first day of September One thousand Seven Hundred and Fifty three.

[Passed, November 11, 1752.]

BE IT ENACTED by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that the Treasurer of this Colony Shall be and hereby is directed out of the Funds appropriated for the Annual Support of the Government of this Colony to Pay at the times and in the Manner herein After directed the Several Salaries and allowances following, to Wit,

TO his Excellency the Governor for administring the Government of this Colony from the first day of September One thousand Seven Hundred and fifty Two to the first day of September which will be in the Year of our Lord One thousand Seven Hundred and fifty three after the Rate of One thousand Five Hundred and Sixty Pounds per Annum

TO his Said Excellency the Governor or Commander in Chief for the time being for providing fire Wood & Candles for his Majesty's Garrison in the City of New York from the thirteenth of June One thousand Seven Hundred and fifty Two to the thirteenth of June One thousand Seven Hundred and fifty three the Sum of Four Hundred Pounds

TO James De Lancey Esq'r as Chief Justice of this Colony and for going the Circuits from the first day of September One thousand Seven Hundred and fifty two to the first day of September which will be in the Year One thousand Seven Hundred and fifty three after the rate of three Hundred Pounds per Annum.

TO John Chambers Esquire as Second Justice of the Supream Court of this Colony and for going the Circuits from the first day of September One thousand Seven Hundred and fifty two to the first day of September which will be in the Year One thousand Seven Hundred and fifty three after the Rate of One Hundred and Fifty Pounds per Annum.

To John Van Renselaer for providing fire Wood & Candles for the Garrisons in the Forts of Albany Schenectady and Fort William from the first day of September One thousand Seven Hundred and fifty two to the first day of September One thousand Seven Hundred and fifty three the Sum of Two Hundred and Seventy Five Pounds.

To Arent Stevens for his Salary as Indian Interpreter and all other Services which he has been or Shall be directed to do by the Governor or Commander in Cheif for the time being from the first day of September One thousand Seven Hundred and fifty two to the first day of September One thousand Seven Hundred and fifty three after the Rate of Ninety Pounds per Annum.

To the Secretary of this Colony for the time being for Engrossing and Enrolling the Acts of the General Assembly from the first day of September One thousand Seven Hundred and fifty two to the first day of September One thousand Seven Hundred and fifty three the Sum of Thirty Pounds.

To the Clerk of the Council for the time being for his Services in that Station from the first day of September One thousand Seven Hundred and fifty two to the first day of September One thousand Seven Hundred and fifty three the Sum of Thirty Pounds

To the Doorkeeper of the Council for the time being for his Service in that Station from the first day of September One thousand Seven Hundred and fifty two to the first day of September One thousand Seven Hundred and fifty three the Sum of Twenty Pounds.

To James Parker as Publick Printer of this Colony from the first day of September One thousand Seven Hundred and fifty two to the first day of September One thousand Seven Hundred and fifty three after the Rate of Fifty Pounds per annum.

To Lawrence Roome as Land and tide Waiter of the Colony duties or to the Land and tide waiter thereof for the time being from the first of September One thousand Seven Hundred and fifty two to the first day of September One thousand Seven Hundred and fifty three after the Rate of Thirty Pounds per Annum.

To John Kip as Guager of Liquors Subject to the Said duties or to the Guager thereof for the time being from the first day of September One thousand Seven Hundred and fifty Two to



the first of September One thousand Seven Hundred and fifty three After the Rate of Thirty Pounds per Annum

To Captain John Waldron as keeper of the Colony Stores of War in the City of New York for his Services in that Station from the first of September One thousand Seven Hundred and fifty two to the first day of September One thousand Seven Hundred and fifty three after the Rate of Twenty Pounds per Annum

ALL which before Mentioned Several Allowances Shall be paid by the Treasurer on Warrants Issued in Council Signed by the Governor or Commander in Chief, for the time being by and with the advice and Consent of the Council Quarterly or at the RESPECTIVE times Mentioned in the Said allowances provided the Said Warrants do not exceed the Several and Respective Sums Before Mentioned, And the Receipts of the Said Several Persons endorsed on the Said Warrants Shall be to the Said Treasurer good Vouchers and discharges for So much as Shall be thereby acknowledged to be received.

AND be it Enacted by the authority Aforesaid that if his Excellency Shall happen to Die, Remove out of this Colony or be Superseded in the Administration of this Government or that any of the before mentioned Officers Shall happen to Die or be removed from their Respective Offices before the first day of September which will be in the Year One thousand Seven Hundred and fifty three, Warrants may be Issued in Manner Aforesaid for So much only out of the respective Sum or Sums allowed in this Act as at the time of Such Death Supersedure or Removal Shall really be due to him or them and if Such Warrant or Warrants exceed not Such Arrear the Treasurer Shall pay the Same to Such Officer or Officers Respectively or to his or their Executors administrators or Assigns, and the Remainder of Such allowance or allowances Shall remain in the Treasury untill disposed off by Act or Acts hereafter to be passed for that purpose

AND be it Enacted by the Authority Aforesaid that the Said Treasurer Shall out of the Funds Aforesaid pay the Allowances following to Wit,

To Robert Charles Esquire Agent for this Colony in great Britain as a reward for his care Trouble and Diligence in Attending his Majesty and his Ministers of State in that Station from the first day of September One thousand Seven Hundred and fifty two to the first day of September One thousand Seven

Hundred and Fifty three, After the Rate of Two Hundred Pounds per Annum, WHICH Said Sum or So much thereof as Shall be Really due Shall be paid by an order of the General Assembly Signed by the Speaker of the Same for the time being and Not Otherwise

To Abraham Lott junior Clerk to the General Assembly for his Services in that Station from the first day of September One thousand Seven Hundred and fifty two, to the first day of September One thousand Seven Hundred and fifty three Twelve Shillings per Diem upon a Certificate from the General Assembly Signed by the Speaker for the Number of Days he has Served or may Serve the General Assembly.

To Alexander Lamb as Doorkeeper to the General Assembly for his Services IN that Station from the first day of September One thousand Seven Hundred and fifty two, to the first day of September One thousand Seven Hundred and fifty three Five Shillings per Diem upon a Certificate from the General Assembly Signed by the Speaker for the number of days he has Served or may Serve the General Assembly

To the Said Alexander Lamb for providing firewood for the use of the General Assembly; for Payment of the use of Mr Pyckemans House; and for Sundry repairs Necessary to be made in the Assembly Chamber in the City Hall in New York, the Sum of Twenty Four Pounds and Ten Shillings

To Arent Stevens the Indian Interpreter for the Expence of providing Belts of Wampum for the five Nations of Indians when he Carried to them the Letter from the Catawba Indians in the Year One thousand Seven Hundred and fifty one pursuant to his Excellency's directions, And for the Expence of a man Attending him in that Service and for all other Charges arising on his Carrying the Said Letter the Sum of Twenty five Pounds Eighteen Shillings and three pence

To John Tiebout for and towards Repairing Copsey Battery, and providing Materials and Workmanship for the Same the Sum of Fifty One Pounds. AND the Receipts of the Said Several Persons Shall be to the Treasurer Sufficient discharges for the Said Several and Respective Sums

AND be it enacted by the Authority Aforesaid that of the due disposition of the Said Sum of Fifty one Pounds he the Said John Tiebout Shall keep exact Books and render true accompts thereof upon Oath to the Governor or Commander in Cheif for



the time being to the Council and to the General Assembly or to any of them when thereunto required

To Abraham De Peyster Esquire Treasurer of this Colony for his Services in that Station from the first day of September One thousand Seven Hundred and fifty two to the first day of September One thousand Seven Hundred and fifty three After the Rate of Two Hundred Pounds per Annum, AND for the Extraordinary Services which he is now Obligated to perform beyond the Usual duty of his office the further Sum of One Hundred Pounds, WHICH Said Sums or So much thereof as Shall be really due Shall be allowed to the Said Abraham De Peyster or to his Executors or administrators good discharges for so much in his or their Accompts AND be it further Enacted by the Authority Aforesaid that the Treasurer Shall keep exact Books of the Several Payments which by this Act he is directed to make and render true accompts thereof upon Oath to the Governor or Commander in Chief for the time being to the Council or to the General Assembly when by them or any of them thereunto Required

#### THE TWENTY-SEVENTH ASSEMBLY.

##### *Second Session.*

(Begun May 30, 1753, 27 George II, George Clinton, Governor.)

##### [CHAPTER 931.]

[Chapter 931 of Van Schaack, and chapter 10 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapter 861.]

An Act to amend an Act Entituled an  
Act for the more effectual Cancelling the Bills  
of Credit of this Colony

[Passed, July 4, 1753.]

WHEREAS one of the Commissioners appointed by an Act Entituled an Act for the more effectual cancelling the Bills of Credit of this Colony Passed in the Twenty first Year of his Majesties Reign is Since deceased and other inconveniences may arise by the Death or other Disability of the Persons named and appointed in the Said Act BE IT ENACTED by the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that instead of the Persons Named in the before mentioned Act The Speaker of the

General Assembly and the Four Members for the City and County of New York for the time being Shall be and hereby are appointed Commissioners for Cancelling the Bills of Credit of this Colony pursuant to the directions of the aforesaid Act as fully to all intents and purposes whatsoever as if they had been Expressly Named therein.

AND be it further Enacted by the Authority Aforesaid that in case it Shou'd So happen that at the time or times of Cancelling the Said Bills of Credit appointed in and by the Said Act there Shou'd be no General Assembly in being then and in Such case the Speaker of the last General Assembly before Such time or times of Cancelling with the Four Persons who were Members of the Said last General Assembly for the City and County of New York Shall be and hereby are impowered and Authorized to Act as Commissioners for Cancelling the Said Bills of Credit and whatsoever they Shall do in Execution of the Said Act Shall be allowed deem'd and Esteemed and is hereby declared to be as good and Valid to all Intents Constructions and Purposes Whatsoever as if the Said last General Assembly of which they had been Members was then Actually in being any thing in this or in the Aforesaid Act to the Contrary Notwithstanding.

AND WHEREAS the Present Speaker of the General Assembly, and the Present Members thereof for the City and County of New York have offered to perform the Said Service without any reward for the Same and desired that it may be so Enacted accordingly BE IT ENACTED by the Authority Aforesaid that for the Future no reward or allowance Shall be made to the Said Commissioners For performing the Said Services any thing in the aforesaid Act to the Contrary Notwithstanding

[CHAPTER 932.]

[Chapter 932 of Van Schanck and chapter 11 (vol. 2) of Livingston & Smith, where the title only is printed.]

An Act for Raising the Sum of One thousand one Hundred and Twenty five Pounds by a Publick Lottery for a further provision towards founding a College for the advancement of Learning within this Colony.

[Passed, July 4, 1753.]

INASMUCH as it will greatly tend to the Welfare and Reputation of the Colony that a proper and ample Foundation be laid



for the Regular Education of Youth and as So good and Laudable a design must Readily Excite the Inhabitants of this Colony to become adventurers in a Lottery of which the Profits Shall be Employed for the founding a College for that purpose

BE IT ENACTED by his Excellency the Governor the Council and General Assembly and it is hereby Enacted by the Authority of the same that a Lottery be Erected within this Colony and that for and towards the Raising the Sum of One Thousand One Hundred and Twenty five Pounds it Shall and may be Lawfull for any Person or Persons Native or Foreigners Bodies Politick or Corporate to Contribute by Paying at or before the Respective times by this Act Limited in that behalf to any Person or Persons herein after to be appointed for that purpose the Sum of One Pound Ten Shillings or diverse Entire Sums of one Pound Ten Shillings upon this Act and that every Contributor or adventurer for every Such Sum of One Pound Ten Shillings which he She or they Shall So advance Shall be Interested in Such Lot or Share of and in the Said Lottery Established by this Act as is herein after directed and appointed and the Same Entire Sums of One Pound Ten Shillings each are hereby appointed to be paid unto Such Person or Persons aforesaid on or before the first Tuesday in November Next.

AND be it further Enacted by the Authority Aforesaid That Peter Van Brugh Livingston and Jacobus Roosevelt Esq's Shall be managers for preparing and delivering out Tickets receiving of Money for the Said Tickets and to oversee the Drawing of Lots and to order do and Perform Such other Matters and things as are hereafter in and by this Act directed and appointed by Such Managers to be done and performed and that Such Managers Shall meet together from time to time at Some Publick Place as to them Shall Seem most Convenient for the Execution of the Powers AND Trust in them reposed by this Act and that the Said Managers Shall Cause Books to be prepared in which every leaf Shall be divided or distinguished into three Collums and upon the innermost of the Said three Columns there Shall be Printed Five Thousand Tickets Numbered One Two Three and So onwards in Arithmetical Progression where the common Excess is to be one untill they arise to the Number of Five Thousand and upon the Middle Column in every of the Said Books Shall be Printed Five Thousand Tickets of the Same breadth and form and Numbered

in like manner and in the Extreme Column of the Said Books there Shall be Printed a Third Rank or Series of Tickets of the Same Number with those of the other Columns which Tickets Shall Severally be of an Oblong Figure and in the Said Books Shall be joined with Oblique lines Flourishes or Devices in Such Manner as the Said Managers Shall think most Safe and Convenient and that every Ticket in the Extream or third Column of the Said Books Shall have Printed thereupon besides the Number the following Words, VIZ't The possessor of this Ticket if drawn a Prize Shall be intituled to the Prize so drawn Subject to Such deduction as is directed by an Act of this Colony in that behalf.

AND it is further Enacted by the Authority Aforesaid that the Said Managers Shall carefully Examine all the Said Books with the Tickets therein and that the Same be Contrived Numbered and made according to the true Intent and Meaning of this Act and all and every Such Manager or Managers Respectively is and are hereby directed and required upon his or their receiving of every or any intire Sum of One Pound Ten Shillings in full Payment for a Ticket from any Person or Persons Contributing or adventuring as Aforesaid to Cut out of the Said Book or Books through the Said Oblique lines flourishes or Devices Indentwise a Ticket off the Tickets in the Said Extream Columns which one of the Said Managers Shall Sign with his own Name and he or they shall permit the Contributor or adventurer (if it be desired) to write his or her name or Mark on the two Corresponding Tickets in the Same Book and at the Same time the Said Managers or one of them Shall deliver unto the Said Contributor or adventurer the Ticket So Cut off which he She or they are to keep and use for the better Ascertainning and Securing the Interest which he She or they his her or their Executors administrators or Assigns Shall OR may have in the Said Lottery for the Money's So by him her or them Contributed or adventured untill the Said Adventure by the Drawing the Lots and the Payment of Such Tickets as Shall be fortunate Shall be fully determined.

AND be it further Enacted that the Said Managers at a Meeting as Aforesaid Shall Cause all the Tickets of the Middle Columns in the Books to be Cut Indentwise through the Said oblique lines Flourishes or Devices and Carefully Rolled up as much alike as may be and Made fast with thread and in the presence of Such Contributors or adventurers as will be



there Present Cause all the Said Tickets which are to be rolled up and made fast as Aforesaid to be put into a Box prepared for that purpose and to be marked with the Letter (A) which is presently to be Put into another Strong Box and to be Locked up with Two different Locks and Keys to be Kept by as many Managers and Sealed with their Seals untill the Said Tickets are to be drawn as is herein after Mentioned and that the Tickets in the first and innermost Columns of the Said Books Shall remain Still in the Books for discovering any Mistake or fraud if any Such Should happen to be committed Contrary to the true Intent and Meaning of this Act.

AND be it further Enacted by the Same Authority that the Managers before Mentioned Shall cause to be prepared other Books in which every leaf Shall be Divided or Distinguished in Two Columns and upon the innermost of these two Columns there Shall be Printed Five thousand tickets and upon the outermost of the Said two Columns there shall be Printed five Thousand all which Shall be of equal length and Breadth as near as may be which two Columns in the Said Books Shall be joined with Some flourishes or Devices through which the Outermost Tickets may be cut off Indentwise and that One Thousand and Ninety four Tickets part of those to be Contained in the Outer most Columns of the Books last Mentioned Shall be Called the fortunate Tickets to which benefits Shall belong as herein after mentioned and the Said Managers Shall Cause the Said fortunate Tickets to be Written upon or otherwise expressed as well in figures as in Words at length in manner following that is to Say Upon one of them Five Hundred Pounds upon one other of them Two Hundred Pounds upon two of them Severally One Hundred Pounds upon Ten of them SEVERALLY Fifty Pounds upon Thirty of them Severally Twenty Pounds upon Fifty of them Severally Ten Pounds and upon One Thousand of them Severally Five Pounds which Sums So to be Written or otherwise Expressed upon the Said fortunate Tickets will amount in the whole to the Sum of Seven Thousand and five Hundred Pounds which is the produce of Five Thousand Tickets according to the Valuation of One Pound and Ten Shillings for each Ticket as before Mentioned.

AND be it further Enacted by the Authority Aforesaid that the Managers before mentioned Shall Cause all the Said Tickets Contained in the outermost Column of the last Mentioned Books in the presence of Such Contributors or Adventurors as will

then be there Present to be cut out Indentwise through the Said Flourishes or Devices and Carefully Rolled up as near as may be alike and fastened with Thread and put into another Box to be prepared for that purpose and to be Marked with the Letter (B) which Box Shall Presently be put into another Strong Box and Locked up and Sealed in the Manner as the Box Lettered (A) untill these Tickets Shall also be drawn in the manner and form hereafter mentioned and that no money Shall be received from any Contributor or adventurer towards this adventure as Aforesaid after the first Tuesday in November next and that the whole Business of Rolling up and Cutting off and putting in the Said Boxes the Said Tickets and Locking up and Sealing the Said Boxes Shall be performed by the Said Managers on or before the Said first Tuesday in November Next And to the End every Person Concerned may be well Assured that the Counterpart of the Same Number with his or her Ticket is put into the Box Marked with the Letter (A) from whence the Same may be drawn and that Other matters are done as hereby directed Some Publick Notification in Print Shall be given of the Precise time or times of Cutting the Said Tickets and Putting them into the Boxes to the End that Such adventurers as Shall be Minded to See the Same done may be present at the doing thereof

AND be it further Enacted by the Authority Aforesaid that on or before the Said first Tuesday in November Next the Said Managers Shall Cause the Said Several Boxes with all the Tickets therein to be brought into the City Hall of the City of New York by Nine of the Clock in the forenoon of the Same day and Shall then and there attend the Service in order for Drawing with two Clerks with Books prepared for that purpose to enter down all the fortunate Tickets and the Said Managers being prepared for Drawing Shall cause the two Boxes Containing the Said Tickets to be Severally taken out of the other two Boxes in which they Shall have been Locked up and the Tickets or Lotts in the Respective Innermost Boxes being in the Presence of the Said Managers and of Such adventurers as will be there Present for the Satisfaction of themselves well Shaken and Mingled in Each Box distinctly and Some one Indifferent and fit Person to be appointed and directed by the Managers Shall take out and draw one Ticket from the Box where the Said Numbred Tickets Shall be as Aforesaid Put and one other Indifferent and fit Person to be appointed and directed in



the like Manner Shall immediately draw a Ticket or Lot from the Box where the one Thousand and Ninety four fortunate and Three thousand Nine Hundred and Six Blank Tickets Shall be promiscuously put as Aforesaid and immediately both the Tickets So drawn Shall be opened and the Number as well of the Fortunate as the Blank Tickets Shall be Named Aloud and if the Ticket taken or drawn from the Box Containing the fortunate and Blank Lotts Shall appear to be Blank then the Numbred Ticket So drawn with the Said Blank at the Same time drawn Shall be Wrote upon Blank and Shall both be put on one File and if the Ticket So drawn or taken out of the Box Containing the fortunate and Blank Lots Shall appear to be one of the Fortunate Tickets then the Sum Written upon Such fortunate Ticket (whatever it may be) Shall be Entered by the Clerks So appointed into the Books prepared for that purpose together with the Number Coming up with the Said fortunate Ticket and one of the Said Managers Shall Set their Name as a Witness to every Such Entry and the Said fortunate and Numbred Tickets So drawn together Shall be put upon another File and So the Said Drawing of the Tickets Shall Continue by taking one Ticket at a time out of each Box and with opening Naming Aloud and filing the Same and by Eatering the fortunate lots in Such Method as is before Mentioned untill the whole number of One Thousand and Ninety four fortunate Tickets Shall be completely drawn and if the Same can not be performed in one Days time the Said Managers Shall Cause the Boxes to be locked up and Sealed in the Manner as aforesaid and Adjourn till the next Day and So from Day to Day and every Day (Except Sundays) and then open the Same and proceed as above till the Said Whole Number of fortunate Tickets Shall be Compleatly drawn as aforesaid.

AND to the end that the adventurers may have all Possible Satisfaction in the due Regular and Just Management of the Said Lottery BE IT ENACTED by the Authority Aforesaid That the Mayor Recorder Aldermen and Commonalty of the City of New York may and are hereby Impowered to appoint every Day during the whole Course of the Lottery Two or more of their Body to Inspect all and every Transaction of the Said Lottery hereby directed and required and that each County in the Colony may and are hereby Impowered if they See Cause to depute two Justices of the Peace or other Reputable Free holders or Inhabitants for the Aforesaid Inspection with proper

Certificates, of their being So Deputed from the Next or any Subsequent General Session of the Peace and the Said Managers are hereby directed and Required to admit them and the Said Members of the Said Corporation to the Aforesaid Inspection Accordingly.

AND be it Enacted by the Authority Aforesaid that immediately After the drawing be finished the Said Managers are hereby Required to publish in the New York Gazette the Numbers drawn against the fortunate Lots with the Prizes or Sums drawn by or belonging to each of them Respectively and as Soon as the drawing Shall be over Shall Pay the Said Sums to Such Persons who Shall Produce Tickets with the Numbers drawn against Such fortunate Lots they the Said Managers first deducting fifteen per Cent out of the Said Fortunate Lots to be applied as is herein After directed.

AND be it further Enacted by the Authority Aforesaid that if any Person or Persons Shall Forge or Counterfeit any Ticket or Tickets to be made forth on this Act or alter any of the Numbers thereof or bring any Forged or Counterfeited Tickets or any Ticket whereof the Number is Altered Knowing the Same to be Such to the Said Managers or either of them to the Intent to defraud the Colony or any Contributor or adventurer or the Executors Administrators or Assigns of any Contributor or adventurer upon this Act that then every Such Person or Persons (being thereof Convicted in due form of Law) Shall be adjudged a Felon and Shall Suffer Death as in Cases of Felony without benefit of Clergy and the Said Managers or either of them are hereby Authorized Required and Impowered to Cause any Person or Persons bringing Such altered Forged or Counterfeited Ticket or Tickets as Aforesaid to be apprehended and to Commit him her or them to his Majesty's Goal of the City of New York to be proceeded Against for the Said Felony According to Law.

And be it further Enacted by the Authority Aforesaid that every of the Managers hereby appointed for putting this Act in Execution before his Acting in Such Commission Shall take the Oath following, that is to Say, I. A. B. do Swear that I will faithfully Execute the Trust reposed in me and that I will not use any indirect Art or means or permit or direct any Person to use any indirect art or Means to Obtain a Prize or fortunate Lot for my Self or any Person Whatsoever and that I will do



the utmost of my Endeavours to prevent any undue or Sinister Practice to be done by any Person Whatsoever and that I will to the best of my Judgment declare to whom any Prize Lot or Ticket of right does belong according to the true Intent of the Act of Governor Council and General Assembly passed in the Year of our Lord One thousand Seven Hundred and Fifty three in that behalf Which Oath Shall be administered by one of the Justices of the Supreme Court of this Colony.

Provided allways And be it Enacted by the Authority Aforesaid that the Managers hereby appointed before they take the Oath Prescribed by this Act or perform or Execute any thing therein Contained Shall first Enter into the following Recognizances to our Sovereign Lord the King his Heirs and Successors, That is to Say Each of them before one of the Justices of the Supreme Court in the Sum of Two Thousand Five Hundred Pounds with two Sufficient Sureties each in half that Sum Conditioned that they Shall and will well and Truly each for his part Execute the trust Reposed in them by this Act and well and Truly observe do and Perform all the Directions thereby required to be done and Performed by them accordingly to the true Intent and meaning thereof which Several Recognizances are to be delivered to the Treasurer by the Justice before whom the Same Shall be So taken (having first Caused the Same to be Recorded in the Minutes of the Supreme Court) in order to be lodged in the Treasury

AND be it further Enacted by the Authority Aforesaid That the Several deductions of Fifteen per Cent upon the whole Number of fortunate Tickets Shall be Paid into the hands of the Trustees appointed in and by an Act Entituled an Act for Vesting in Trustees the Sum of Three Thousand Four Hundred and Forty three Pounds, Eighteen Shillings, raised by way of Lottery, for Erecting a College within this Colony Passed in the Twenty fifth Year of his Majesties Reign to BE by them put out at Interest according to the directions of the Said Act untill the Same Shall be Employed by Some future Act for and towards founding a College for the advancement of Learning within this Colony, by the Managers hereof out of which Nevertheless there Shall be allowed by the Said Trustees in Case the Lottery be Actually drawn the following Sums, VIZ<sup>t</sup> To each of the Said Managers the Sum of Fifty Pounds To each of the Two Clerks Six Shillings per Diem for every day

they Shall be Actually Employed in the Said Drawing to each of the Two Persons who Shall Draw the Tickets Three Shillings per Diem for every Day they Shall be So Employed and all Reasonable Charges for Printing Books Tickets and advertisements and Such other Incidents as may Necessarily be Required in the Said Lottery

AND that the purpose of Founding of the Said College may not be obstructed by any other Applications of the Mony's to Arise from the Profits of the Said Lottery BE IT ENACTED by the Authority Aforesaid that each and every Representative in the General Assembly for the time being who Shall hereafter in General Assembly move or Consent to the applying or Appropriating the Said Moneys to any other purpose Whatsoever than the founding the College aforesaid Shall be and is hereby declared and made for ever incapable of Sitting and Voting in this or any Future General Assembly and New Writs Shall Issue accordingly.

And be it further Enacted by the Authority Aforesaid that no Fee or Gratuity whatsoever Shall or may be demanded or taken of any Person or Persons Contributor or Adventurer to the Lottery Aforesaid by any Manager or Managers or any other Officer or Officers appointed by this Act for any thing that Shall be done Pursuant to this Act upon pain that any Officer or Person Offending by taking any Fee or Gratuity Contrary to this Act Shall forfeit the Sum of Fifty Pounds to the party grieved to be recovered with full Costs in any of his Majesty's Courts of Record within this Colony.

And be it Enacted by the Authority Aforesaid that in Case all the Said Five Thousand Tickets Shall not be Sold and disposed off before the Said first Tuesday in November Next that then the money that has been Received for any Ticket or Tickets by Virtue of this Act Shall be by the Said Managers repaid to the Person or Persons of whom the Same Shall have been received His her or Their Executors Administrators or Assigns he She or they first Producing the Several Tickets for which Such Repayment Shall be required and the Lottery hereby Erected and Made Shall from thenceforth become Void any thing in this Act Contained to the Contrary hereof Notwithstanding and in Such Case the Treasurer of this Colony Shall pay out of any Money then in the Treasury (except Such as Shall be appointed for the Annual Support of the Government) the Several Incidents before mentioned upon proper Cer-



tificates Signed by the Said Managers and Receipts thereon Shall be good Vouchers to him for the Payment thereof for the amount of which the General Assembly Shall and will Provide ways and Means to repay and Replace the Same.

PROVIDED AND BE IT ENACTED that in Case the Said Five Thousand Tickets Aforesaid be Sold and disposed off in the Manner Aforesaid before the first Tuesday in November Next that then the Managers Shall Proceed to drawing the Lots in Manner Aforesaid first giving Publick Notice therof in the New York Post Boy at least Fourteen days before the drawing the Same any thing in this Act to the Contrary Notwithstanding.

AND be it further Enacted by the Authority Aforesaid that if either of the before mentioned Managers Shall happen to Die Remove out of this Colony or Refuse to Act according to the Several and Respective Powers and Authority's hereby directed and required it Shall and may be Lawfull to and for the Governor or Commander in Cheif for the time being by and with the advice and Consent of his Majesty's Council to Nominate and Appoint Some other fit Person or Persons to be Manager or Managers in the place and Stead of the Manager or Managers So Dying Removing or Refusing to Act as Aforesaid any thing herein Contained to the Contrary Notwithstanding. PROVIDED that the Person or Persons who may be So appointed Shall be obliged to take the like Oath Enter into the like Recognizances and Sureties as is herein directed to be done by the Managers Named in this Act and be in all respects as Subject to Observe and Perform the Severall Directions of this Act as if he or they had been Named or appointed in it.

[CHAPTER 933.]

[Chapter 933 of Van Schaack, where the title only is printed. Chapter 12 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapter 676. The duty of excise further continued by chapter 1325.]

An Act further to continue the Duty of Excise and the Currency of the Bills of Credit emitted thereon for the purposes in the former Act and herein Mentioned.

[Passed, July 4, 1753.]

WHEREAS by an Act of the Governor Council and Generally Entitled an Act for laying an Excise on all Strong

Liquors retailed in this Colony passed the Twelfth Year of her late Majesty Queen Anne there was granted to and for the Uses in the Said Act Particularly Mentioned a Duty of Excise on all Strong Liquors retailed in this Colony for the Term of Twenty Years to determine on the first day of November in the Year One thousand Seven Hundred and Thirty four which by Several Subsequent Acts has been prolonged to the Year One thousand Seven Hundred and Fifty Seven.

AND Whereas it has been the Intention of the Legislature for Several Years Past to Establish a Seminary within this Colony for the Education of Youth in the Liberal Arts and Sciences And as at present no other means can be devised than by a further Continuance of the Aforesaid Act and the Bills of Credit Issued thereupon and his Excellency the Governor having been pleased to approve of the Intentions of the General Assembly to proceed upon that good design at this Session as Signified by their Votes at their last Meeting, The General Assembly therefore Pray it may be Enacted, AND

BE IT ENACTED by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that the before Mentioned Act Entituled An Act for laying an Excise on all Strong Liquors retailed in this Colony and every Clause Matter and thing therein Contained Shall from the first day of November which will be in the Year of Our Lord One thousand Seven Hundred and Fifty Seven (to which time the Said Duty on Excise was Continued by an Act passed in the Thirteenth Year of his present Majesties Reign) be, remain and Continue of full Force and Virtue to all Intents Constructions and Purposes whatsoever untill the first Day of November which will be in the Year of Our Lord One thousand Seven Hundred and Sixty Seven.

AND be it further Enacted by the Authority aforesaid That the Treasurer of this Colony for the time being is hereby Enabled and Directed to Pay unto the TRUSTEES Mentioned and appointed in and by an Act Passed in the Twenty fifth Year of his present Majesties Reign Entituled An Act for Vesting in Trustees the Sum of Three thousand Four Hundred and Forty three Pounds Eighteen Shillings raised by way of Lottery for Erecting a College within this Colony out of the Money's arising by the Duty of Excise the Annual Sum of Five Hundred Pounds for and during the Term of Seven Years to Commence from and



After the first Day of January now next Ensuing to be by them apportioned and distributed in Salaries for the Cheif Master or head of the Seminary by whatever denomination he may be hereafter Called and for Such and So many other Masters and Officers uses and Purposes Concerning the Establishment of the Said Seminary as the Said Trustees Shall from time to time in their discretion think Needful, Allways Provided that the whole Charge and Expende of the Same do not exceed the Above Sum of Five Hundred Pounds a Year Any thing in the Acts Aforesaid to the Contrary Notwithstanding

AND be it further Enacted by the Authority Aforesaid that the Said Trustees Shall be and are hereby impowered to Apportion and Appoint the Quantum of the Salary's of the Several Masters and officers of the Seminary hereby intended to be Established and to direct the Payment thereof by Quarterly or half Yearly Payments as they in their discretions Shall think Most fitting And Convenient

AND be it further Enacted by the Authority Aforesaid that the Trustees Aforesaid Shall Ascertain the Rates which each Student or Scholar Shall Annually Pay for his or their Education at the Said Seminary for all which Sums they Shall Account with the Governor or Commander in Cheif for the time being the Council or the General Assembly when by them or any of them thereunto Required And which Said Sums Shall be applied to and for Such use or uses as Shall be directed by Act or Acts hereafter to be passed.

AND be it further Enacted By the Authority Aforesaid That all the Residue of the Money arising by the Said Duty of Excise Shall be applyed towards Cancelling the Bills of Credit Emitted on the Said Fund unless the Said Bills be all Cancelled by Money Arising by the Said Duty before the Said Year One thousand Seven Hundred and Sixty Seven in which Case all the Residue of the Said Money Shall remain in the Treasury to be disposed off as Shall be directed by Some Act or Acts hereafter to be PASSED for that purpose and that the Said Bills of Credit Shall also remain Current untill the Said Year One thousand Seven Hundred and Sixty Seven unless they be Sooner Cancelled.

## [CHAPTER 934.]

[Chapter 934 of Van Schaack, and chapter 13 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapters 780 and 1206. By chapter 1536 all acts relative to highways in Dutchess county are suspended during the continuance thereof.]

An Act to appoint Commissioners to Regulate Highways in Dutchess County in the place of those appointed by an Act Entituled "An Act for the better clearing and further laying out Publick High Roads in Dutchess County"

[Passed, July 4, 1753.]

Whereas many of the Commissioners for Regulating and laying out High Ways in the County of Dutchess appointed by and in An Act Entituled "An Act for the better Clearing and further laying out Publick High Roads in Dutchess County" Passed in the Eighteenth Year of his Present Majesties Reign are Dead Since the passing the Said Act by which Means the good Ends and Purposes intended thereby may be defeated for Preventing Whereof

BE IT ENACTED by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that the Several Persons herein After-named that is to Say For the South Precinct Beverly Robinson, Thomas Davenport and James Dickenson junior For Beekman Precinct William Humphrey, John Carman, and Bartholomew Noxon For Rombout Precinct James Verplanck Esquire, Hendrick Terbos and Ezechiell Maston For Pokeepsie Precinct Tunis Tappen, Gilbert Peelen, and Leonard Van Cleek For Cromelbow Precinct Tobias Stoutenburgh, Nicholas Dela Vernege and Hendrick Lott For Rynbeck Precinct Peter Ten Broeck, Garrit Van Wagemen and Johannis Kipp For the North Precinct Cyrenus Newcomb, Adam Beame and Jacob Nehar And for Such part of the Oblong as lyes in the Said County, Samuel Field Jacob Haviland and Nathan Birdsall, Shall be and hereby are appointed Commissioners to Regulate and lay out Highways in the Said County for the places for which they are respectively appointed by this Act in the Room and Stead of those appointed by the Act Aforesaid and Shall be and hereby are vested with as full power and Authority for that End to all Intents Con-



structions and Purposes Whatsoever as if they had been Actually Named and appointed in and by the Aforesaid Act Any thing therein Contained to the Contrary Notwithstanding.

[CHAPTER 935.]

[Chapter 935 of Van Schaack, and chapter 14 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapters 1250, 1321, 1347.]

An Act to appoint Commissioners to Examine into the Eastern Boundary's of this Colony and to impower and require the Secretary of this Colony or his Deputy to deliver Certain Ancient Records Written in the Dutch Language to Such Person or Persons as the Said Commissioners Shall appoint, to be Translated into English, and other the Purposes therein Mentioned.

[Passed, July 4, 1753.]

WHEREAS Encroachments and Settlements have been made not only in former Years by the Inhabitants of the New Hampshire and Massachusetts Bay Colonies upon Sundry Tracts of Land included within the Boundaries of this Province But also Such Encroachments have lately been renewed by the Inhabitants of the Said Colonies upon the Lands and Possessions of divers of his Majesties Subjects (holding the Same under the Government of this Province by Letters Patent from his Present Majesty or his Royal Predecessors) on pretence that the Said Lands are included within the Said Colonies AND for as much as Sundry Records which are good Evidences of the Eastern Boundaries of this Province are Written in the Dutch Language and by that Means are Rendered less usefull for the purpose aforesaid than if the Same were Translated into English And as the Said Records if delivered up into the hands of Some Person or Persons lawfully Authorized and Appointed thereunto may be more easily and perfectly translated into English in order to Serve the purpose Aforesaid.

BE IT THEREFORE ENACTED by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same That David Jones, John Thomas, Paul Richard, William Walton, Henry Cruger and John Watts Esquires be, and hereby are appointed Commis-

sioners to Examine and Consider of the Encroachments made upon this Province by the Neighbouring Colonies which Said Commissioners are hereby Authorized And impowered to join with a Committee of his Majesties Councill appointed or to be appointed for the purpose aforesaid in Such Measures as by the Said Committee of Councill and Commissioners Shall be thought Necessary and Expedient in order to Make due Enquiry into the Said Encroachments and also that the Said Committee of the Council and Commissioners Shall be and hereby are impowered for all and Singular the purposes herein before and After Mentioned

AND it is hereby Enacted by the Authority Aforesaid that one or more Person or Persons Shall without delay be Chosen and appointed by the Said Committee and Commissioners to receive and take into his or their hands Custody and possession all and Singular the Books of Dutch Records in the Custody of the Said Secretary or his Deputy which Contain any Dutch Records that may in any wise relate to the Eastern Boundary's of this Province. And that Such Person or Persons as Shall be So Chosen and appointed for the purpose aforesaid Shall be duely Sworn before one of the Said Committee who is hereby authorized and empowered to administer such Oath Safely and Securely to keep and preserve all and every of the Said Dutch Records which Shall be delivered into his or their hands possession and Custody without altering Razing Interlining Destroying Adding to, or Diminishing the Same or any part thereof or Suffering the Same or any part thereof to be Altered, Based Interlined destroyed added to or diminished by any Person or Persons whomsoever while the same Shall Continue in the Custody of Such Person or Persons as Shall be So Chosen and Appointed for the purpose Aforesaid And also well faithfully and truly according to the best of his or their Skill and Knowledge in the Dutch and English Tongues to Translate into English all Such of the Said Dutch Records Contained in the Said Books of Records as do in any wise Relate or appear or Shall be Shewn to him or them by the Said Committee and Commissioners or any Person or Persons by their order in any wise to Relate to the Eastern Boundaries of this Province in as Short a time after the Said Records Shall be delivered into the hands of Such Translator or Translators as Conveniently may be And to deliver the Said True and Faithfull Translations of the Said



Records from time to time as they Shall Severally be Completed unto the Said Committee and Commissioners if demanded by them or to Such Person or Persons as Shall by their order demand the Same and also to keep all and Singular the Said Records in his or their own hands Possession & Custody without delivery of them or any of them to any person or persons Whomsoever Except to the Said Secretary or his Deputy Provided he produce an order for Such delivery from the Said Committee and Commissioners Signed by the Chairman of Said Committee and Commissioners And that during the time the said Dutch Records shall remain and continue in his or their Custody they nor either of them shall make or cause or suffer any Copies Extracts or Abstracts of or from the said Dutch Records to be made other than such as shall be so directed by the Committee and Commissioners aforesaid unless with the privity and Consent of the said Secretary or his Deputy.

AND be it further Enacted by the Authority Aforesaid that Such Person or Persons as Shall be so Chosen and appointed by the Said Committee and Commissioners to Translate the said Dutch Records Shall immediately upon his or their being qualified by Oath as Aforesaid and producing to the Said Secretary or his Deputy an order as aforesaid be hereby Authorized and impowered to ask demand receive and take into his Or their possession and Custody from the Said Secretary or his Deputy all Such Book and Books of Records in his Custody as Such Translator or Translators Shall either by direction or Order of the Said Committee and Commissioners or otherwise judge Necessary for the purpose aforesaid And the Said Secretary or his Deputy is hereby expressly ordered and Required to deliver unto Such Translator or Translators as Shall be so chosen appointed and Qualified as Aforesaid upon his or their producing Such order as Aforesaid all Such Book and Books of Record in the Custody of the Said Secretary or his Deputy as Shall by Such Translator or Translators from time to time and at any time (after his or their Qualification by Oath as Aforesaid) be demanded of him Which delivery of any Record or Records in Such Manner and to Such Translator or Translators as Aforesaid Shall fully discharge the Said secretary or his Deputy from all Care and Custody of the Same untill they Shall Again be returned to him and So from time to time as Often as any Record or Records Shall be delivered by him in Such Manner and to Such Person or Persons as Aforesaid.

AND it is hereby Enacted by the Authority Aforesaid that the Said Committee and Commissioners Shall be and hereby are Authorized and impowered to Summon and order the Said Secretary or his Deputy to attend in person at all and every of their Meetings or as often as they Shall think proper with all and every Such Book and Books of Record (in the Custody of the Said Secretary or his Deputy) as the Said Committee and Commissioners Shall from time to time think proper and direct

AND be it Enacted by the Authority Aforesaid that the Said Committee and Commissioners Shall and do meet upon the Business of their Appointment as often as conveniently may be and the Said Committee and Commissioners are hereby impowered by Such Rules and orders as they Shall think proper to Summon their Members to attend at their Meetings and to appoint and Adjourn their Meetings at and to Such Particular times and places as they the Said Committee and Commissioners Shall think Proper

AND be it Enacted by the Authority Aforesaid that the Said Committee and Commissioners Shall make all due and Necessary Enquiry and Examination into the True Eastern Boundary's of this Province and the Encroachments and Settlements made within the Same by the Neighbouring Colonies And Shall and are hereby impowered to Pursue all Such Steps and Methods as to them Shall Seem most ADVISEABLE in order if possible to procure a speedy and legal Settlement of the Eastern Boundaries of this Province with the Neighbouring Colonies Provided always that no Such Settlement Shall Actually be made by the Said Committee and Commissioners but only proposed by them to the Neighbouring Colonies and reported by them to the Governor Council and General Assembly for the time being.

AND be it further Enacted by the Authority Aforesaid That in Case it Shall So happen that the Said Committee and Commissioners cannot Agree with the Neighbouring Colonies in the Settlement of the Eastern Boundaries of this Colony or on any State of Facts in order to a Settlement thereof Then the Said Committee and Commissioners Shall be and hereby are impowered and Authorized to prepare proper Representations of all Such Matters and things as Shall come to their Knowledge relating to the Eastern Boundaries of this Colony and of the Encroachments made thereon by the Neighbouring Colony's and shall deliver Copies thereof to the Governor or Commander in



Chief of this Colony for the time being in order to be laid before his Majesty and also transmit Copies thereof to the Agent of this Colony.

And be it Enacted by the Authority aforesaid That all and Singular the doings and Transactions of the Said Committee and Commissioners and of every other Person or Persons by their order and direction Shall from time to time be laid before his Excellency in Council and before the General Assembly at their Next or any Succeeding Sessions

And be it Enacted by the Authority Aforesaid That immediately from & after the Publication of this Act all Such Reasonable Costs Charges and disbursements as Shall arise or accrue in Consequence of the due Exercise of the Authority given the Said Committee and Commissioners in and by this Act Shall be paid and defrayed at the Publick Expence of this Province And that accounts thereof be laid before the General Assembly at every of their Next or any Succeeding Sessions by the Said Commissioners

And be it Enacted by the Authority Aforesaid, That the Major part of the Commissioners Aforesaid and of the Survivors of them Shall be AND hereby are impowered to Execute all the Powers of the Commissioners Aforesaid intended by this Act.

[CHAPTER 936.]

[Chapter 936 of Van Schaack, and chapter 15 (vol. 2) of Livingston & Smith, where the title only is printed.]

An Act for Applying the Several Sums therein Mentioned for and towards Several Necessary Services for the use and benefit of this Colony

[Passed, July 4, 1753.]

BE IT ENACTED by his Excellency the Governor the Council and General Assembly and it is hereby Enacted by the Authority of the Same that the Treasurer of this Colony Shall be and hereby is directed and required out of the Funds appropriated to the Support of the Government of this Colony to Pay the Several Sums following, that is to Say

Unto Coll<sup>o</sup> William Johnson to be by him distributed among the Six Nations of Indians to Bury the Hatchet Remove their present uneasinesses and preserve the Friendship of those Nations when he meets them at Onondaga the Sum of Two Hundred and Fifty Pounds.

Unto the Said Coll<sup>o</sup> William Johnson for the Expence and Charge of him and his attendants in the performing that Service the Sum of Two Hundred Pounds

To the Commissioners of Indian Affairs at Albany for disbursements and Expences to the Six Nations of Indians and for Presents to be Employed by them for the Publick Service from the first of June One thousand Seven Hundred and Fifty three to the first of June One thousand Seven Hundred and Fifty Four the Sum of One Hundred and Seventy Pounds

To Albartus Tiebout for repairing Copsey Battery and Several other Repairs Necessary for Fort George in New York and for the Governors House in the Said Fort The sum of Three Hundred and Seventy Five Pounds

To Captain John Waldron for a pair of Trucks for Transporting the Cannon to proper places in and About the City of New York the Sum of Eleven Pounds and Sixteen Shillings

And the Receipts of the Said Several Persons Shall be to the Treasurer good discharges for the Said Several and Respective Sums

AND be it further Enacted by the Authority Aforesaid that of the due disposition of the Aforesaid Several Sums the Aforesaid several and respective Persons Shall keep exact Books and render true and just accounts thereof on Oath to the Governor or Commander in Cheif for the time being to the Council and to the General Assembly when by them or any of them thereunto Required

AND be it further Enacted by the Authority Aforesaid that the Treasurer of this Colony Shall be and hereby is directed and Required to Apply the Several FOLLOWING Ballances, to Wit, The Ballance of Seventy Eight Pounds Nine Shillings and three pence half penny in his hands by Virtue of An Act Entituled "An Act for Paying and discharging Several debts due from this Colony to the Persons therein Named: and for Raising and putting into the hands of the Treasurer of this Colony, Several quantity's of Plate, and to Make Bills of Credit to the Value of Forty one Thousand Five Hundred and Seventeen Ounces and an half of Plate for that purpose". Passed the Twenty third Day of December One thousand Seven Hundred and Seventeen. The Ballance of Four Pounds Seven Shillings and One penny three farthings in his hands by Virtue of an Act Entituled "An Act for Raising the Sum of Five Hundred Pounds for Securing the Indians in his Majesties Interest" Passed the



Twenty Seventh of July One thousand Seven Hundred and Twenty one. The Ballance of Four Pounds Eighteen Shillings in his hands by Virtue of An Act Entituled "An Act for Raising and levying the Sum of Six Thousand Six Hundred and Thirty Pounds for the supplying the deficiency's of his Majesties Revenue, and for the Several uses & purposes therein Mentioned, and for Making of Bills of Credit to be Issued for that Value." Passed the Twenty fourth of July One Thousand Seven Hundred and Twenty Four. The Ballance of Four Hundred Sixty Two Pounds Fourteen Shillings and eight pence in his hands by Virtue of An Act Entituled "An Act for discharging a Debt to the late Agents of this Colony at the Court of Great Britain, for finishing and Compleating the Buildings in his Majesties Fort George; for Borrowing Certain Sums for these Purposes, out of the Funds therein Mentioned and for laying a Tax to Make good Such part thereof as Stood Appropriated to Particular Uses." Passed the Twenty Seventh of June One thousand Seven Hundred and Twenty Six. The Ballance of Twenty Eight Pounds Eleven Shillings in his hands by Virtue of An Act Entituled "An Act to Raise and Collect in this Colony the Sum of Three thousand Two Hundred Pounds, for putting it in a proper posture of defence, and for discharging the Several Services which the present State of Affairs makes it Necessary to provide for". Passed the Twenty first of September One thousand Seven Hundred and Forty four. AND the Sum of Nine Pounds Seven Shillings and three pence three farthings being the Amount of Sundry overpayments Made by the Several Collectors of this Colony on the Several Taxes; towards the Payment of the Several Allowances here in After Mentioned so far as the Said Ballances will Extend And all the Residue of the Said Allowances Shall be paid by the Said Treasurer out of the Moneys Arisen or to Arise by An Act Entituled "An Act for laying a duty of Tonnage on the Vessells and for the time therein Mentioned." Passed the Twenty Second of June One thousand Seven Hundred and Thirty four And by an Act Entituled "An Act further to Continue an Act Entituled An Act to lay a duty of Tonnage on the Vessells and for the time therein Mentioned with An Explanation and Addition thereto." Passed the Twenty fourth of November One thousand Seven Hundred and Fifty, viz't

To Jacobus Meynderse and Peter Groenendyck for Repairing Fort Cosby in Schenectady the Sum of Eighty Pounds And for

removing the Blockhouse Called Switt's Blockhouse in the Town of Schenectady the further Sum of Twelve Pounds

To Peter Conyn for Repairing Fort William in the Mohawks County the Sum of Fifty Pounds

To Peter Douw, Peter Winne and John Babbist Van Renselaer Esquires for Repairing Fort Fredrick in the City of Albany the Sum of Two Hundred Pounds

Of the disposition of which Said Several Sums the Said Several and Respective Persons Shall keep exact Books and render true and just Accounts thereof on Oath to the Governor or Commander in Chief for the time being to the Council and to the General Assembly when by them or any of them thereunto required

And be it further Enacted by the Same Authority that the Treasurer Shall be and hereby is Required out of the Funds last Aforesaid to Pay the Several other Allowances following vizt;

To Lawrence Roome for Glazing and Painting the Governors House in Fort George in the Year One thousand Seven Hundred and Fifty in full discharge of his Account for that Service the Sum of Seventy Pounds Two Shillings and three Pence

To Meyndert Wempel for his Salary as Smith to the Seneca's at Seneseo lying Near Tirondequot or Neagara in the Year One thousand Seven Hundred and Fifty One the Sum of Seventy Pounds

To the Said Meyndert Wempel for Sundry Instruments and Materials for that Service the Sum of Seven Pounds two Shillings and two pence

To the Said Meyndert Wempel for Sundry disbursements Made in Presents to the Seneca Indians agreeable to a Resolution of the General Assembly Made in the year One thousand Seven Hundred And Fifty one the Sum of Fifty Pounds and One Penny.

To William Printup for his Salary as Smith to the Seneca Indians in the Year One thousand Seven Hundred and Fifty One the Sum of Seventy Pounds, And for Sundry Instruments and Materials for that Service the further Sum of Three Pounds & three pence

To Ryer Bowin for his Salary as Smith to the Onondaga Indians in the Year One thousand Seven Hundred and Fifty one the Sum of Sixty Pounds And for Sundry Instruments and Materials for that Service the further Sum of Three Pounds And three pence



To the Said Ryer Bowin for his disbursments for Carrying Presents to the Onondaga Indians by Land from Oresco (being there Stop'd by the Ice) in the Year One thousand Seven Hundred and Fifty one Agreeable to a Resolution of the General Assembly in the Year One thousand Seven Hundred and Fifty one the Sum of Twelve Pounds and three Shillings

To William Printup for his disbursments for Carrying Presents to the Seneca Indians by Land from Oresco (being there Stop'd by the Ice) in the Year One thousand Seven Hundred and Fifty one Agreeable to a Resolution of the General Assembly in the Year One thousand Seven Hundred and Fifty one the Sum of Twenty Eight Pounds And Nineteen Shillings

To John Viele Abraham Fonda Nicholas A. Van Putten Johannis Veeder and Isaac L. Truax for their attending the Indian Interpreter Eighteen Days and an half with their Horses to Cajuga Castle by order of Coll'o Schuyler in the Year One Thousand Seven Hundred And Forty Five the Sum of Five Pounds and Eleven Shillings to each of them Respectively

To Arent Stephens the Indian Interpreter for his Extraordinary Services in that Station in the Years One thousand Seven Hundred and Forty Eight, One thousand Seven Hundred and Forty Nine, And One thousand Seven Hundred and Fifty the Sum of One Hundred and Ten Pounds

To Meyndert Wempel for his Salary as Smith to the Seneca Indians in the Year One thousand Seven Hundred and Fifty Two the Sum of Seventy Pounds and for Iron Steel and Files to Carry with him the Same Year the further Sum of Five Pounds Thirteen Shillings and Eight pence half Penny

To the Said Meyndert Wempel for Sundry disbursments and Presents to the Seneca's in the Same Year the Sum of Thirty Two Pounds Seven Shillings and Ten Pence half Penny

To Meyndert Wempel and John Van Sue junior for their Services as Blacksmith and Gun Smith Among the Seneca Indians in the Year One thousand Seven Hundred and Fifty the Sum of Seventy Pounds And for providing Sundry Instruments And Materials for those Purposes the further Sum of Five Pounds Twelve Shillings and Nine pence half Penny

To William Printup for his Service as Smith at Onondaga in the Year One thousand Seven Hundred and Fifty the Sum of Sixty Pounds and for providing Sundry Instruments and Materials for that Service the further Sum of three Pounds Twelve and Six Pence.

To Garrit H Veeder for his Service as Blacksmith at Cajuga in the Year One thousand Seven Hundred and Forty Five the Sum of Sixty Pounds And for providing Sundry Instruments and Materials for that Service the further Sum of Seven Pounds one Shilling And Nine Pence

To Tobias Ten Eyck for his Service as Blacksmith and Armourer to the Seneca Indians in the Year One thousand Seven Hundred And forty Nine the Sum of Seventy Pounds And for providing Sundry Instruments And Materials for that purpose the further Sum of Four Pounds Nineteen Shillings And two pence.

To Coll'o Philip Schuyler for Provisions deliver'd to Captain Isaac Staats for the use of the Company of Rangers under his Command in June One thousand Seven Hundred and Forty Six the Sum of Eight Pounds Seven Shillings And Nine pence

To Joseph Yeats junior And the Executors or Administrators of Andries Bradt deceased for the Ballance of their Accompt brought Against this Colony for Reparations made to the Fort at Schenectady in the Year One thousand Seven Hundred And Forty Six the Sum of Four Pounds Eight Shillings And Nine pence

To Richard Schuckburgh in full of his Accompt Against this Colony for Eleven Pounds Two Shillings for his Expences Attendance and Medicines to Some French Men And Indians in the Year One thousand Seven Hundred and Forty Eight the Sum of Three Pounds

To Tunis Jacobs in discharge of his Accompt Against this Colony for Work done by him to the Governors House and other Buildings belonging thereto in and About Fort George in the City of New York in the Years One thousand Seven Hundred and Forty Nine And One thousand Seven Hundred And Fifty the Sum of Six Pounds five Shillings And three pence.

To Daniel Gomez for Translating and Interpreting Several Letters Papers and other Spanish Writings for the Governor and Council of this Colony from the Year One thousand Seven Hundred and Thirty Four to the Year One thousand Seven Hundred and Fifty One the Sum of Thirty Pounds.

To Joost Palding for the Ballance of his account brought Against this Colony the Sixth November One thousand Seven Hundred And Fifty One for Lodging Victualling and Attending five French prisoners who were Sick Fifty Six days from the



first of July One thousand Seven Hundred and forty Eight to the Twenty fifth of August following the Sum of Six Pounds And three Shillings

To Meyndert Schuyler for Money advanced by him for employing Outscouts on the Frontiers in the Year One thousand Seven Hundred and forty five the Sum of Six Pounds and fifteen Shillings

To the Executors or Administrators of Abraham Cuyler deceased for Money advanced by him for employing Outscouts on the Frontiers in the Year One thousand Seven Hundred and forty five the Sum of Eight Pounds Six Shillings And five pence One farthing

To Cornelius Cuyler for Money Advanced by him for the like Service in the Same year the Sum of Thirteen Pounds one Shilling And four pence half penny

To Hendrick Ten Eyck for money Advanced by him for the like Service in the Same Year the Sum of Eight Pounds Six Shillings and three farthings

To the Executors or administrators of Nicholas Bleeker deceased for Money Advanced by him for the like Service in the Same Year the Sum of Eight Pounds Five Shillings and Eleven Pence

To the Executors or Administrators of Dirck Ten Broeck deceased for money advanced by him for the like Service in the Same Year the Sum of Twenty two Pounds Sixteen Shillings and five pence

To the Executors or administrators of Anna Kitchener deceased for Money advanced by her for the like Service in the Same Year the Sum of One Pound three Shillings And Nine Pence

To Philip Livingston for Money Advanced by him for the use of Outscouts employed on the Frontiers during the late War Over and Above the Three hundred Pounds allowed for that purpose in the Year One thousand Seven Hundred And Forty five the Sum of Three Pounds Four Shillings And five pence Half penny.

To John De Peyster for Several Materials And disbursements for making Cabbins for the Soldiers and for Reparations in the Fort at Albany over and Above the Sum of Five Pounds And the Sum of Thirty three Pounds Sixteen Shillings and Six pence Allowed for those purposes in two Acts Passed in the Year One thousand Seven Hundred and Forty five the Sum of Fourteen Pounds Eight Shillings and four Pence.

To Phillip Livingston for Money by him Advanced for Work done and Materials Provided for the use of the Fort at Albany and lining the Powder Magazine there in the Year One thousand Seven Hundred and Forty five the Sum of seven Pounds Nineteen Shillings and three Pence

To the Executors or administrators of John Fort deceased for his Service as an Outscout on the Frontiers in the Year one thousand Seven Hundred and Forty Five when Saraghtoga was destroyed by the Enemy the Sum of Twenty three Pounds and Nine Shillings

To the Executors or Administrators of Abraham I. Fort deceased for the like Service of the Said Abraham I. Fort at the Same time the Sum of Twenty three Pounds and Twelve Shillings

To Andries Van Vranken for the like Service at the Same time the Sum of Eleven Pounds and Eight Shillings

To the Executors or administrators of Jonathan Haagedoorn deceased for the like Service of the Said Jonathan Haagedoorn at the Same time the Sum of Seventeen Pounds And twelve Shillings

To Peter Van Vranken for the like Service at the Same time the Sum of Three Pounds four Shillings and Six pence

To Johannis Ab: Fort for the like Service at the Same time the Sum of Eleven pounds And Twelve Shillings

To Johannis Van Vranken for the like Service at the Same time the Sum of Five Pounds and Twelve Shillings

To Jacob Heemstraat for the like Service at the Same time the Sum of Eleven Pounds and Twelve Shillings

To Richard Crawley for the like Service at the Same time the Sum of Two pounds and Four Shillings

To Colonel William Johnson for goods furnished by him to the Smiths Sent among the Indian Nations in the Years One thousand Seven Hundred and Fifty And One thousand Seven Hundred and Fifty one to be distributed in Presents among the Said Indians, for Sundry other disbursements made by him for the Service of this Colony and for what is Still due to him for Supplying the Additional Garrison at Oswego with Provisions exclusive of what he is to receive out of the Oswego Fund for Supplying the ordinary Garrison there with provisions the Sum of Seven Hundred and thirty three Pounds Six Shillings And two pence half penny

To Adam Van Den Bergh for Victualling and Lodging Eighteen Mohawk Indians who were lately at New York and for



other Contingencies for the Said Indians the Sum of Thirty two Pounds Eighteen Shillings and Six pence.

To Henry Hansen for Money advanced by him for the Passage of the Said Indians from New York to Albany and for Provisions for them during their Passage the Sum of Five Pounds Fifteen Shillings and Six pence half penny

To Abraham Lott junior for his Extraordinary Service as Clerk to the Commissioners for taking Examining and Stating the Publick Accounts of this Colony from the Year One Thousand Seven Hundred And thirteen the Sum of Twenty Five Pounds

To Benjamin Hinchman for the use of his House and providing a Table for the General Assembly And for the Hire of Several Horses for the use of Messengers from Jamaica to New York for the publick Service the Sum of Ten Pounds Four Shillings

To Alexander Lamb Doorkeeper to the General Assembly for his Extraordinary Service in that Station the Sum of Three Pounds

AND the Receipts of the Aforesaid Several Persons for the Said Several and respective Sums Shall be to the Treasurer good Discharges for the Same

AND be it further Enacted by the Authority Aforesaid that the Treasurer Shall keep exact Books of the Several Payments which by this Act he is directed to Make and render true accounts thereof on Oath to the Governor or Commander in Chief for the time being to the Council and to the General Assembly when by them or any of them thereunto required

#### THE TWENTY-SEVENTH ASSEMBLY.

##### *Third Session.*

(Begun Oct. 30, 1753, 27 George II, James De Lancey, Lieut.-Governor.)

#### [CHAPTER 937.]

[Chapter 937 of Van Schaack, and chapter 16 (vol. 2) of Livingston & Smith, where the title only is printed. Expired January 1, 1755.]

An Act for the Relief of Insolvent Debtors, with respect to the Imprisonment of their Persons in the City of New York

[Passed, December 12, 1753.]

REAS many Persons by losses and other Misfortunes lered incapable of paying their Whole Debts and tho'

they are Willing to Make the Utmost Satisfaction they can are nevertheless detained prisoners by their Creditors And Whereas Such Unhappy debtors have always been deemed the proper objects of publick Compassion Therefore for Relief of Such Prisoners within the City of New York who shall be willing to Satisfy their Creditors as far as they are able

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that if any Person or Persons within the Said City now charged in Execution or having been Committed for the Space of three Months or longer upon a Capias before the Publication of this Act whose debt or Debts do not Exceed in the Whole the Sum of Fifty Pounds or that if any Person or Persons within the Said City Charged or Committed as Aforesaid for the Space of two Months whose Debt or Debts do not Exceed Twenty Five Pounds or that if any Person or Persons within the Said City Charged or Committed as Aforesaid for the Space of Twenty Days whose Debt or Debts do not Exceed Ten Pounds Current money of this Colony Shall be Minded to deliver up to his her or their Creditors all his her or their Effects towards the Satisfaction of Such Debts it Shall and may be lawfull for Such Prisoner or Prisoners to Exhibit a Petition to any of the Courts of Law within the City of New York from whence the Process Issued upon which he She or they was or were taken in Execution or other process as Aforesaid Certifying the Cause or Causes of his her or their Imprisonment and an Account of his her or their Whole Estate both Real and Personal with the Dates of the Securities wherein any part of it consists and the Books Deeds and Notes Relating thereto with the Names of the Witnesses to the Same So far as his her or their Knowledge Extends thereto and upon Such Petition the Court May and are hereby Required by Rule of Court to Cause the Prisoner to be brought before them and the Several Creditors at Whose Suit or Suits he she or they Stand Charged and all other his or her Creditors that are or can be known to the Court to be Summoned to Appear Personally or by their Attorneys at a day to be Appointed for that purpose and upon the day of Such Appearance if any of their Creditors Summoned refuse or Neglect to Appear upon Affidavit Made of the due SERVICE of Such Rule or order or upon Affidavit Made that the Creditor or Creditors are not to be found the Court Shall in a Summary way examine into the Matters of the



Said Petition and hear what can or Shall be Alledged on either Side for or against the discharge of Such Prisoner and upon Such their Examination the Court may and are hereby Required to administer or tender the Prisoner an Oath or Affirmation to the Effect following which Oath or Affirmation the Said Courts are hereby impowered to Administer I, A. B. do Solemnly Swear In the presence of Almighty God (or being of the people called Quakers Sincerely and truly declare and Affirm) That the account by Me delivered in my Petition doth Contain a full and true account of all My Real and Personal Estate Debts Credits and Effects Whatsoever which I or any in trust for me have or at the time of my Petition had or am or was in any Respect intituled to in Possession Remainder or Reversion except my personal Wearing Apparel and Bedding not Exceeding Five Pounds in Value in the Whole and the Necessary Tools and Instruments of my Trade and Calling not Exceeding Five Pounds in Value in the Whole and that I have not at any time Since my Imprisonment or before directly or Indirectly Sold leased Assigned or Otherways disposed of made over in trust for my Self or Otherways Other than is Mentioned in Such Account any part of my Lands Estate or Goods Stock Money Debts or other Real and personal Estate whereby to have or expect any benefit or profit to my Self or to defraud any of My Creditors to Whom I am Indebted, And in Case the prisoner Shall in open Court take the Said Oath or Affirmation and upon Such Examination and his or her taking the Said Oath or Affirmation the Creditors Shall be Satisfied with the Truth thereof the Court may immediately order the Lands Goods and Effects Contained in Such Account or So much of them as may be Sufficient to Satisfy the Debts wherewith he or She is or Shall be charged together with Costs of Suit and the Fees due to the keeper of the Goal or Prison of the City of New York to be by a Short Indorsment on the back of Such Petitions Assigned by the Prisoner to the said Creditors or one or more of them in Trust for the Rest of them or to Some proper Person to be by the Said Court Appointed in trust for all the Creditors And by Such Assignment the Estate Interest and Property of the Lands Goods Debts and Effects So Assigned Shall be Vested in the Person or Persons to whom such Assignment is or Shall be made who may take possession of or Sue for the Same in his or their own Name or Names in like Manner as Assignees of Com-

missioners of Bankrupts to which Sait no Release of the Prisoner his or her Executors or Administrators or any Trustee for him or her Shall be any Barr And immediately upon Such Assignment Executed THE Said Prisoner Shall be discharged out of Custody by order of Court and Such order Shall be a Sufficient Warrant to the Sheriff Goaler or keeper of Such Prison to discharge the Said Prisoner if detained for the Causes mentioned in Such Petition and no Other and he is hereby required to discharge and Set him at Liberty forthwith Without fee Nor Shall Such Sheriff or Goaler be lyable to any Action of Escape or other Suit or Information upon that Account and the person or Persons to whom the Said Effects Shall be Assigned paying the Fees to the Goaler or keeper of the Prison of the City of New York Shall be and are hereby Required to divide the Effects So Assigned amongst the Creditors and all the persons for whom they Shall be Entrusted in proportion to their Respective Debts But in case the person or Persons at Whose Suit Such Prisoner was Charged in Execution or any other process or any other Creditors Shall not be Satisfied with the Truth of Such an Oath or Affirmation but Shall desire further time to inform himself of the Matters contained therein the Said Court may and Shall Remand the Said Prisoner and direct the Said Prisoner and the person or Persons dissatisfied with Such Oath or Affirmation to Appear at Another Day to be Appointed by the Said Court and if at Such Second day So to be appointed the Creditor or Creditors So dissatisfied with Such Oath or Affirmation Shall Make default in appearing and in Case he or They Shall appear but Shall be Unable to discover any Estate or Effects of the Prisoner Omitted in Such his or her Petition or Shew any probability of his or her having been forsworn or to have declared falsely in the Said Oath Or Affirmation then the Said Court Shall immediately Cause the Said Prisoner to be discharged upon Such Assignment of his or her Effects in Manner as Aforesaid unless Such Creditor or Creditors do insist upon his or her being detained in Prison and do Agree by Writing under his hand to pay and Allow Any Sum of Money that Shall be Assessed by the Court not Exceeding three Shillings per Week unto the Said Prisoner to be paid the Monday of every Week So long as he or She Shall Continue in Prison at his her or their Suits on failure of the payment of Which Weekly Sum at any time the Said Prisoner Shall forthwith Upon Application



to the Court be discharged by Such order as Aforesaid But in case the Said Prisoner Shall Refuse to take the Said Oath or Affirmation or having taken the Same Shall be detected of Falsity therein he or they Shall be presently remanded.

AND be it further Enacted by the Authority Aforesaid that no person to be discharged Shall at any time hereafter be Imprisoned by Reason of any Judgment or decree Obtained for Payment of money only or for any Debt Cost Sum or Sums of MONEY contracted occasioned owing or growing due before the time of his or her discharge but that upon every Arrest every such Judgment or Decree for such Debts Cost Sum or Sums of Money it Shall and may be Lawfull for any Judge of the Court where the Process Issued upon Shewing the duplicate of Such Prisoners discharge or discharges to Release and discharge out of Custody such prisoner or Prisoners as Aforesaid And the Judge is hereby impowered So to do So as every Such Prisoner or Prisoners Arrested or detained in Execution or other Process as Aforesaid do give a Warrant of Attorney to Appear to every Such Action and plead thereunto.

And be it further Enacted by the Authority Aforesaid that if any Action of Escape or any Suit or Action be brought against any Sheriff Goaler or keeper of any Prison of the City of New York for performing their office in pursuance of this Act they may plead the General Issue and give this Act in Evidence and if the Plaintiff be Nonsuited or discontinue his Action or Verdict pass Against him or Judgment upon Demurrer the defendant Shall have treble Costs PROVIDED that the discharge of any Person by Virtue of this Act Shall not acquit any other Person from Such Debts Sum or Sums of Money or any part thereof but that all others Shall be Answerable for the Same in Such Manner as before the passing of this Act And provided that this Act Shall not Extend to discharge any Person out of Prison who Shall Stand Charged at the Suit of the Crown Only.

PROVIDED ALWAYS and be it further Enacted by the Authority Aforesaid that Notwithstanding the discharge of the Person of Such Prisoner or Prisoners as Aforesaid all and every Debt or Debts due and owing from the Said Prisoner or Prisoners and all and every Judgment and Judgments had and taken and decree obtained against him or her Shall Stand and be good and Effectual in Law to all Intents and Purposes against the Lands Tenements Hereditaments Goods and Chattles of the Said Prisoner So discharged as Aforesaid which he she or they

or any Person or Persons in Trust for him her or them at the time of Such Discharge hath or have or at any time hereafter Shall or may be in any wise Siesed or Possessed of Interested in or Intitled to either in Law or Equity except his her or their Wearing Apparel Bedding for his her or their Family's and Working Tools and Implements Necessary for his her or their Occupations not Exceeding the Value of Ten Pounds in the Whole. And it Shall and may be lawfull to and for Such Creditor or Creditors of Such Prisoner or Prisoners So Discharged as Aforesaid his her or their Executors or Administrators to take out a new Execution against Such Lands Tenements Hereditaments Goods and Chattles of Such Prisoner or prisoners (except as before Excepted) for the Satisfaction of his her or their Debts in Such Sort Manner and form as he She or they might have done if the person or Persons of Such Prisoner or prisoners had Never been taken in Execution or other Process as Aforesaid any Act Statute Law or Custom to the Contrary in any Wise Notwithstanding

PROVIDED ALSO AND be it further Enacted by the Authority Aforesaid that if any Such person who Shall take Such Oath or Affirmation as Aforesaid Shall upon any Indictment of Perjury in any Matter or Particular contained in the Said Oath or Affirmation be Convicted by his or their Own Confession or by the Verdict of Twelve Men as he or She may be by force of this Act The person so Convicted Shall Suffer all the Pains and forfeitures which may by Law be inflicted on any Person Convicted of Willfull Perjury and shall likewise be liable to be taken on any Process De Novo and Charged in Execution for the Said Debt in the Same Manner as if he or She had Never been discharged or taken in Execution before and Shall never After have any Benefit of this Act.

PROVIDED ALSO and be it further Enacted by the Authority Aforesaid That if the Effects So assigned Shall not extend to Satisfy the Whole Debts due to the Creditors of the Person or Persons So discharged and the Fees due to the Goaler there shall be an Abatement in proportion and Such Goaler Shall come in as a Creditor for what Shall then be due to him for his Fees in proportion with other Creditors.

AND be it further Enacted by the Authority Aforesaid That where there are any mutual Debts between such Debtor or Debtors and his her or their Creditors or if either party Sue or be Sued as Executors or administrators where there are any Mutual



Debts between the Testator or Intestate and either party one Debt Shall be Set against the other and Such Matter may be given in Evidence upon the General Issue or Plead in Barr as the Nature of the Case Shall Require So as at the time of Pleading the General Issue where any Such Debts of the plaintiff his Testator or Intestate is intended to be insisted on in Evidence Notice Shall be given of the Particular Sum or Debts So intended to be insisted on and upon what account it became due otherwise Such Matter Shall not be allowed in Evidence upon the General Issue Provided That where any Rent Shall be due from any Prisoner or Prisoners at the time of his her or their Respective Discharges No Goods or Chattels then lying or being in or UPON the Respective Tenements or Lands so in lease or liable to be distrained Shall be removed or disposed of without Consent of the Landlord or person to whom the Rent is due until the Same be paid or Satisfied And that the Landlord may use all Lawfull ways for having and Recovering his Rent So as that the Same Exceed not one Years Rent by distress or otherwise as he might have had or Could have done before the Making this Act any thing herein contained to the Contrary in any wise Notwithstanding. AND PROVIDED ALSO That this Act Shall not Barr any Absent or Distant Creditor who had not Notice of the Prisoners Application to the Court as Aforesaid.

AND be it further Enacted by the Authority Aforesaid That this Act Shall be of Force from the Publication thereof Untill the first day of January Which will be in the Year of Our Lord One thousand Seven Hundred and Fifty Five.

#### [CHAPTER 938.]

[Chapter 938 of Van Schaack, and chapter 17 (vol. 2) of Livingston & Smith, where the title only is printed.]

An Act for Raising the Sum of One Thousand One Hundred and Twenty Five Pounds by a Publick Lottery for this Colony for a further provision towards founding a College within the Same.

[Passed, December 12, 1753.]

INASMUCH as it will greatly tend to the Welfare and Reputation of the Colony that a proper and Ample Foundation be laid for the Regular Education of Youth and as So good and laudable

a design must Readily Excite the Inhabitants of this Colony to become Adventurers in a Lottery of which the Profits Shall be Employed for founding a College for that purpose

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that a Lottery be Erected within this Colony and that for and towards the Raising the Sum of One Thousand One Hundred and Twenty five Pounds it Shall and May be Lawfull for any Person or Persons Native or Foreigners Bodies Politick or Corporate to Contribute by Paying at or before the Respective times by this Act limited in that behalf to any Person or Persons herein after to be Appointed for that purpose the sum of One Pound Ten Shillings or Diverse Entire Sums of One Pound Ten Shillings upon this Act and that every Contributor or Adventurer for every Such Sum of One Pound Ten Shillings Which he She or they Shall So advance Shall be Interested in Such Lott or Share of and in the Said Lottery Established by this Act as is herein after directed and Appointed and the Same Entire Sums of One Pound Ten Shillings each are hereby Appointed to be paid unto Such Person or Persons Aforesaid on or before the first Tuesday in June Next.

AND be it further Enacted by the Authority Aforesaid That Abraham Van Wyck and Abraham Leynsen Esquires Shall be Managers for preparing and delivering out Tickets Receiving of Money for the Said Tickets and to oversee the drawing of Lotts and to order do and perform Such other Matters and things as are hereafter in and by this Act directed and appointed by Such Managers to be done and Performed and that Such Managers Shall Meet together from time to time at Some Publick place as to them Shall Seem most Convenient for the Execution of the powers and Trust in them Reposed by this Act and that the Said Managers Shall Cause Books to be prepared in which every leaf Shall be divided or Distinguished into three Columns and upon the Innermost of the Said three Columns there Shall be Printed Five thousand Tickets Numbered One TWO Three and So onwards in Arithmetical progression where the common Excess is to be One untill they Arise to the Number of Five Thousand and upon the Middle Column in every of the Said Books shall be Printed Five Thousand Tickets of the Same Breadth and form and Numbered in like Manner and in the



Extreme Column of the Said Books there Shall be printed a third Rank or Series of Tickets of the Same Number with those of the other Columns which Tickets Shall Severally be of an oblong Figure and in the Said Books Shall be joined with Oblique lines flourishes or Devices in Such Manner as the Said Managers Shall think Most Safe and Convenient and that every Ticket in the Extreme or third Column of the Said Books Shall have Printed thereupon besides the Number the following Words viz't The Possessor of this ticket if drawn a Prize Shall be Entitled to the Prize so drawn, Subject to Such deduction as is directed by an Act of this Colony in that behalf.

AND be it further Enacted by the Authority Aforesaid That the said Managers Shall carefully Examine all the Said Books with the Tickets therein and that the Same be Contrived Numbered and Made according to the true Intent and Meaning of this Act and all and every Such Manager or Managers Respectively is and are hereby directed and Required upon his or their Receiving of every or any Entire Sum of One Pound Ten Shillings in full payment for a Ticket from any Person or Persons Contributing or Adventuring as Aforesaid to Cut out of Said Book or Books through the Said Oblique lines flourishes or devices Indentwise a Ticket off the Tickets in the Said Extreme Columns which one of Said Managers Shall Sign with his Own Name and he or they Shall permit the Contributor or adventurer (if it be desired) to Write his or her Name or Mark on the two Corresponding Tickets in the same Book and at the same time the Said Managers or one of them Shall deliver unto the Said Contributor or adventurer the Ticket so Cut off which he She or they are to keep and use for the better Ascertaining and Securing the Interest which he she or they his her or their Executors Administrators or assigns Shall or May have in Said Lottery for the Money's so by him her or them Contributed or Adventured untill the Said Adventurer by the drawing the Lotts and the payment of Such Tickets as Shall be fortunate Shall be fully determined.

And be it further Enacted that the Said Managers at a Meeting as Aforesaid Shall Cause all the Tickets of the Middle Columns in the Books to be cut Indentwise through the Said oblique lines Flourishes or Devices and carefully Rolled up as Alike as May be and Made fast with thread and in the presence of Such Contributors OR adventurers as will be thereat Cause all the Said Tickets which are to be Rolled up

and made fast as Aforesaid to be put into a Box prepared for that purpose and to be Marked with the Letter (A.) which is presently to be put into another Strong Box and to be Locked up with two different Locks & Keys to be kept by as Many Managers and Sealed with their Seals untill the Said Tickets are to be drawn as is herein After Mentioned and that the Tickets in the first and Innermost Columns of the Said Books Shall remain Still in the Books for discovering any Mistake or Fraud if any Such Should happen to be Committed Contrary to the true Intent and Meaning of this Act.

AND be it further Enacted by the Same Authority that the Managers before mentioned Shall cause to be prepared other Books in which every leaf Shall be divided or distinguished in two Columns and upon the Innermost of these two Columns there Shall be Printed Five Thousand Tickets and upon the Outermost of the Said two Columns there Shall be Printed Five Thousand all which Shall be of Equal Length and Breadth as near as may be which Two Columns in the Said Books Shall be Joyned with Some Flourishes or Devices through which the Outermost Tickets may be cut off Indentwise and that Eight Hundred and Fifty Two Tickets part of those to be Contained in the Outermost Columns of the Books last Mentioned Shall be Called the Fortunate Tickets to which benefits Shall belong as herein After Mentioned And the Said Managers Shall Cause the Said fortunate Tickets to be Written upon or Otherwise Expressed as well in figures as in Words at length in Manner following, that is to Say, Upon One of them One Thousand Pounds Upon one other of them Five Hundred Pounds Upon one Other Three Hundred Pounds Upon one other Two Hundred Pounds Upon three others Severally one Hundred Pounds Upon Fifteen others Severally Fifty Pounds Upon Fifteen others Severally Twenty five Pounds upon Twenty others Severally Ten Pounds and upon the Remaining Seven Hundred and Seventy Five Severally Five Pounds Which Sums So to be Written or otherwise Expressed upon the Said Fortunate Tickets will amount in the Whole to the Sum of Seven Thousand and Five Hundred Pounds which is the produce of Five thousand Tickets according to the Valuation of One Pound and Ten Shillings for each Ticket as before Mentioned.

AND be it further Enacted by the Authority Aforesaid that the Managers before Mentioned Shall Cause all the Said Tickets



Contained in the Outermost Column of the last Mentioned Books in the presence of Such Contributors or Adventurers as will then be there present to be Cut out Indentwise through the Said flourishes or devices and CAREFULLY rolled up as near as may be Alike and fastened with thread and put into another Box to be prepared for that purpose and to be Marked with the Letter (B.) which Box Shall presently be put into Another Strong Box and Locked up and Sealed in the manner as the Box Lettered (A) untill these Tickets Shall Also be drawn in the manner and form hereafter Mentioned and that No Money Shall be Received from any Contributor or Adventurer towards this Adventure as Aforesaid after the first Tuesday in June Next and that the whole Business of Rolling up and Cutting off and Putting in the Said Boxes the Said Tickets and Locking up and Sealing the Said Boxes Shall be performed by the Said Managers on or before the Said first Tuesday in June Next and to the end every Person Concerned may be Well Assured that the Counterpart of the Same Number with his or her Ticket is put into the Box Marked with the Letter (A.) from whence the same may be drawn and that other Matters are done as hereby directed Some Publick Notification in Print Shall be given of the Precise time or Times of Cutting the Said Tickets and putting them into the Boxes to the End that Such adventurers as Shall be Minded to See the Same done may be present at the doing thereof

And be it further Enacted by the Authority Aforesaid That on or before the first Tuesday in June Next the Said Managers Shall Cause the Said Several Boxes with all the Tickets therein to be brought into the City Hall of the City of New York by Nine of the Clock in the forenoon of the Same Day and Shall then and there attend the Service in order for Drawing with Two Clerks with Books prepared for that purpose to Enter down all the Fortunate Tickets and the Said Managers being prepared for drawing Shall Cause the two Boxes Containing the Said Tickets to be Severally taken out of the other Two Boxes in which they Shall have been Locked up And the Tickets or Lotts in the Respective Innermost Boxes being in the presence of the Said Managers and of Such Adventurers as will be there present for the Satisfaction of themselves well Shaken and Mingled in each Box Distinctly and Some one Indifferent and fit person to be Appointed and directed by the Managers Shall take out and Draw One Ticket from the Box Where the Said

Numbered Tickets Shall be as Aforesaid put And one other Indifferent and fit Person to be Appointed and directed in the like Manner Shall Immediately draw a Ticket or Lott from the Box where the Eight Hundred and Thirty two Fortunate and Four thousand One Hundred and Sixty Eight Blank Tickets Shall be promiscuously put as Aforesaid And immediately both the Tickets So drawn Shall be OPENED and the Number as well of the Fortunate as the Blank Tickets Shall be Named aloud And if the Ticket taken or drawn from the Box containing the fortunate and Blank Lotts Shall appear to be Blank then the Numbered Ticket so drawn with the Said Blank at the Same time Drawn Shall be wrote upon Blank and Shall both be put on one File and if the Ticket So drawn or Taken out of the Box Containing the fortunate and Blank Lots Shall appear to be one of the Fortunate Tickets then the Sum Written upon Such Fortunate Ticket (Whatever it may be) Shall be Entered by the Clerks So Appointed into the Books prepared for that purpose together with the Number coming up with the Said Fortunate Ticket and one of the Said Managers Shall Set their Name as a Witness to every Such Entry and the Said fortunate and Numbered Tickets So drawn together Shall be put upon another File and so the Said drawing of the Tickets Shall Continue by taking one Ticket at a time out of each Box and with opening Naming aloud and filing the Same and by Entering the fortunate Lots in Such Method as is before Mentioned untill the Whole Number of Eight Hundred and Thirty two fortunate Tickets Shall be compleatly drawn and if the Same Cannot be performed in one days time the said Managers Shall Cause the Boxes to be locked up and Sealed in the Manner as Aforesaid and adjourn till the Next Day and So from Day to Day and Every Day (Except Sunday) and then open the Same and proceed as Above till the Said whole Number of Fortunate Tickets Shall be compleatly drawn as Aforesaid

And to the End that the adventurers may have all possible Satisfaction in the due Regular and just Management of the Said Lottery BE IT ENACTED by the Authority Aforesaid that the Mayor Recorder Aldermen and Commonalty of the City of New York may and are hereby Impowored to appoint every day during the Whole Course of the Lottery, two or more of their Body to inspect all and every Transaction of the Said Lottery hereby directed and Required And that each County in the



Colony May and are hereby Impowered if they See Cause to depute Two Justices of the Peace or Other Reputable Freeholders or Inhabitants for the Aforesaid Inspection with proper Certificates of their being So deputed from the Next or any Subsequent General Session of the Peace And the Said Managers are hereby directed and Required to admit them and the Said Members of the Said Corporation to the Aforesaid Inspection Accordingly.

AND be it further Enacted by the Authority Aforesaid that immediately After the drawing be finished the Said Managers are hereby Required to Publish in the NEW YORK Gazatte the Numbers drawn Against the fortunate Lots with the Prises or Sums drawn by or belonging to each of them Respectively and as Soon as the drawing Shall be over Shall pay the Said Sums to Such Persons who Shall Produce Tickets with the Numbers drawn Against Such Fortunate Lotis they the Said Managers first deducting Fifteen per Cent out of the Said Fortunate Lotts to be Applied as is herein after Directed.

AND be it further Enacted by the Authority Aforesaid that If any Person or Persons Shall forge or Counterfeit any Ticket or Tickets to be made forth on this Act or alter any of the Numbers thereof or bring any forged or Counterfeited Tickets or any Ticket Whereof the Number is Altered knowing the same to be Such to the Said Managers or either of them to the Intent to defraud the Colony or any Contributor or adventurer or the Executors Administrators or Assigns of any Contributor or Adventurer upon this Act that then every Such Person or Persons (being thereof Convicted in due form of Law) Shall be adjudged a Felon and Shall Suffer Death as in Cases of Felony without benefit of Clergy and the Said Managers or either of them are hereby Authorized Required and Impowered to Cause any Person or Persons bringing Such Altered Forged or Counterfeited Ticket or Tickets as Aforesaid to be Apprehended and to Commit him her or them to his Majesties Goal of the City of New York to be proceeded Against for the Said Felony according to Law.

AND be it further Enacted by the Authority Aforesaid that every of the Managers hereby appointed for putting this Act in Execution before his Acting in Such Commission Shall take the Oath following, that is to Say, I, A. B. do Swear that I will faithfully Execute the trust reposed in me and that I will not

use any Indirect Art or Means or permit or direct any Person to use any Indirect Art or Means to obtain a Prize or fortunate Lot for my self or any person Whatsoever and that I will use the Utmost of my Endeavours to prevent any Undue or Sinister practice to be done by any Person Whatsoever and that I will to the best of my Judgment declare to whom any Prize Lot or Ticket of Right does belong according to the true Intent of the Act of Governor Council and General Assembly passed in the Year of Our Lord One thousand Seven Hundred and Fifty three in that behalf Which Oath Shall be Administred by one of the Justices of the Supreme Court of this Colony

PROVIDED ALWAYS and be it Enacted by the Authority Aforesaid that the Managers hereby appointed before they take the Oath Prescribed by this Act or perform or Execute any thing therein Contained Shall first Enter into the Following Recognizances to our Sovereign, Lord the King his heirs and Successors that is to Say Each of them before one of the Justices of the Supreme Court in the Sum of Two Thousand Five Hundred Pounds with two Sufficient Sureties each in half that Sum Conditioned that they Shall and Will well and truly each for his part execute the trust Reposed in them by this Act and well and truly observe do and perform all the directions thereby Required to be done and performed by them According to the true Intent and Meaning thereof which Several Recognizances are to be delivered to the Treasurer by the Justice before whom the same Shall be So taken (having first caused the Same to be Recorded in the Minutes of the Supreme Court) In order to be lodged in the Treasury

And be it further Enacted by the Authority Aforesaid that the Several deductions of Fifteen per Cent upon the whole Number of Fortunate Tickets Shall be paid into the Hands of the Trustees appointed in and by an Act Entituled "An Act for Vesting in Trustees the Sum of Three thousand Four Hundred and forty three Pounds Eighteen Shillings Raised by Way of Lottery for Erecting a College within this Colony," passed in the Twenty Fifth Year of his Majesties Reign to be by them put out at Interest according to the directions of the Said Act untill the Same Shall be Employed by Some Future Act for and towards founding a College for the Advancement of Learning within this Colony by the Managers hereof Out of which Nevertheless there Shall be Allowed by the Said Trustees in case the



Lottery be Actually drawn the following Sums viz't To each of the Said Managers the Sum of Fifty Pounds to each of the Two Clerks Six Shillings per Diem for every day they Shall be Actually employed in the Said Drawing To each of the two persons who Shall draw the Tickets three Shillings per Diem for every day they Shall be So Employed and all Reasonable Charges for Printing Book Tickets and Advertisements and Such other Incidents as may Necessarily be Required in the Said Lottery

AND that the purpose of Founding of the Said College may not be Obstructed by any other Application of the Money to Arise from the Profits of the Said Lottery BE IT ENACTED by the Authority Aforesaid that each and every Representative in the General Assembly for the time being who Shall hereafter in General Assembly Move or Consent to the Applying or Appropriating the said Money's to any other purpose whatsoever than the founding the College Aforesaid Shall be and is hereby declared and made for ever incapable of Sitting and Voting in this or any future General Assembly and New Writs Shall Issue accordingly.

AND be it further Enacted by the Authority aforesaid that no fee or Gratuity whatsoever Shall or may be demanded or taken of any person or persons Contributors or adventurers to the Lottery Aforesaid by any Manager or Managers or any other officer or officers appointed by this Act for any thing that Shall be done pursuant to this Act Upon pain that any Officer or Person Offending by taking any Fee or Gratuity Contrary to this Act Shall forfeit the Sum of Fifty Pounds to the party grieved to be Recovered with full Cost in any of his Majesty's Courts of Record within this Colony

AND be it Enacted by the Authority Aforesaid that in Case all the Said Five Thousand Tickets Shall not be Sold and disposed of before the Said First Tuesday in June Next that then the Money that has been Received for any Ticket or Tickets by Virtue of this Act Shall be by the Said Managers Repaid to the person or Persons of whom the Same Shall have been Received his her or their Executors Administrators or Assigns he She or they first producing the Several Tickets for which Such Repayment Shall be required And the Lottery hereby Erected and Made Shall from thenceforth become Void any thing in this Act Contained to the Contrary hereof Notwithstanding And in Such case the Treasurer of this Colony Shall pay out of

any Money then in the Treasury (except Such as Shall be Appropriated for the Support of the Government) the Several Incidents before Mentioned upon proper Certificates Signed by the Said Managers and Receipts thereon Shall be good Vouchers to him for the Payment thereof for the amount of which the General Assembly Shall and will provide Ways and Means to Repay and Replace the Same.

PROVIDED and be it Enacted that in case the Said Five thousand Tickets Aforesaid be Sold and disposed of in the Manner Aforesaid Before the first Tuesday in June Next that then the Managers Shall proceed to drawing the Lotts in Manner Aforesaid first giving Publick Notice thereof in the New York Post Boy at least Fourteen days before the drawing the Same any thing in this Act to the Contrary Notwithstanding.

AND be it further Enacted by the Authority Aforesaid that If either of The before mentioned Managers Shall happen to Die Remove out of this Colony or refuse to Act according to the Several and Respective powers and Authority's hereby directed and Required it Shall and may be lawfull to and for the Governor or Commander in Cheif for the time being by and with the Advice and Consent of his Majesty's Council to Nominate and Appoint Some other fit Person or Persons to be Manager or Managers in the place and Stead of the Manager or Managers So Dying Removing or Refusing to Act as Aforesaid any thing herein Contained to the Contrary Notwithstanding PROVIDED That the person or persons who may be so appointed Shall be obliged to take the like Oath Enter into the like Recognizance and Sureties as is herein directed to be done by the Managers Named in this Act and be in all Respects as Subject to observe and perform the Several directions of this Act as if he or they had been Named or Appointed in it.

#### [CHAPTER 939.]

[Chapter 939 of Van Schaack, and chapter 18 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapter 908. Continued by chapter 1096. Amended and validated by chapter 1160.]

An Act to continue an Act Entituled to  
Prevent Frauds in Debtors with an addition  
thereto

[Passed, December 12, 1753.]

WHEREAS an Act Entituled "An Act to prevent Frauds in Debtors" passed in the Twenty fourth year of his present



Majesty's Reign will Expire by its own Limitation on the first day of January Next and the Same having been found beneficial to the People of this Colony BE IT THEREFORE Enacted by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that the Act aforesaid Entituled "An Act to prevent Frauds in Debtors" Shall be and hereby is Continued and every Article Clause Matter and thing therein Contained Shall be and remain in full Force from the Said First day of January Next To the first day of January Which will be in the Year One Thousand Seven Hundred and Sixty.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that in case any Sherif shall by Virtue of any Warrant hereafter to be issued in pursuance of the said Act Entituled An Act to prevent Frauds in Debtors, Seize and take any perishable Goods or Chattles, it Shall and may be Lawfull for the Judge or Judges who Issued such Warrant, at his discretion to order the Sale of such things perishable, And the Moneys Arising thereby to be delivered and paid to the Trustees to be appointed for the Sale of the absconding person's Effects mentioned in such Warrant; to be by them applyed, according to the directions and Intention of the said Act.

AND be it also Enacted by the same Authority, that if any Sherif shall by virtue of any Warrant, hereafter to be issued in pursuance of the said Act, through Ignorance or for want of proper information seize and take any goods Chattles or Effects, which shall or may be claimed or Challenged by any Person or Persons, as his her or their property, it Shall and may be Lawful for Such Sherif thereupon to Summon and Swear a Jury to inquire into, and try, the Right and property thereof: And if Such Jury shall upon such inquest, find the Right and property of such goods Chattels or Effects, to be in the person or persons so claiming the same, or in any other than the person or persons against whose Goods the Warrant so Issued, such Sherif shall forthwith after such Inquisition had, by order of such Judge or Judges who issued the Warrant, deliver the said Goods Chattels or Effects, to the person or persons in whom the property thereof shall be so found; and Such Sherif shall not be Lyable to any Suit or prosecution for his having Seized and taken the said Goods Chattels or Credits through Ignorance or for want of proper information as aforesaid: and the reasonable Charges arising by the Sale of such

perishable goods, and by such, Inquest as aforesaid, shall be allowed by the Judge or Judges aforesaid, and paid Out of the goods Estate and Effects of the absconding person, that shall be Seized and taken by Virtue of the said Act

[CHAPTER 940.]

[Chapter 940 of Van Schaack, and chapter 19 (vol. 2) of Livingston & Smith, where the title only is printed.]

An Act to Raise a Sum not Exceeding Fifty Pounds for finishing of the Court House and Goal in Dutchess County and defraying Such Charges as are already laid out and Expended towards the Building the Same.

[Passed, December 12, 1753.]

WHEREAS Several Sums of Money have been Raised by Virtue of Several Acts from the Inhabitants of Dutchess County for and towards Building And Repairing the Court House and Goal in the Said County which Sums have proved insufficient for that purpose BE IT THEREFORE ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly And it is hereby Enacted by the Authority of the Same that it Shall and May be lawfull to and for the Justices of the peace or the greater Number of them of the Said County at any time after the Publication of this Act to Raise Levy and Collect of from and upon all and every Freeholder Inhabitant and Sojourner within the Said County a Sum not Exceeding Fifty Pounds for finishing the Said Court House and Goal and defraying Such Charges as are already laid out and Expended towards Building the Same And the Moneys So to be Raised Shall be Assessed, Levied and Collected in the Same Manner as the other Necessary and Contingent Charges of the Said County are.

AND be it further Enacted by the Authority Aforesaid that the money to be Raised levied and Collected by Virtue of this Act Shall be paid by the Several and respective Collectors into the hands of Henry Livingston Esquire as Manager thereof or to Such other Person as the Majority of the Justices Shall Appoint in Case the Said Manager Shall Die Remove out of the County or refuse Such Service on or before the Second Tuesday in May Next After the Same Shall be so Raised levied and Collected as Aforesaid and by him to be employed and Paid



for Such Materials and Workmanship as have been used and done for the Purposes aforesaid, Over and Above what the Several Sums of Money Already raised for that purpose have been Sufficient to Answer and Apply the Remaining Sum towards the further Completion thereof and of the due disposition of the said Sum of Fifty Pounds the Said Manager Shall render an Account upon Oath when thereunto required by the Justices or the greater Number of them how the Same hath been Employed and disposed of.

[CHAPTER 941.]

[Chapter 941 of Van Schaack, and chapter 20 (vol. 2) of Livingston & Smith, where the act is printed in full. The acts repealed are chapters 719 and 772. Continued by chapter 1104.]

An Act to Enable the Mayor, deputy Mayor, Recorder and Aldermen of the City of New York for the time being or the Major part of them to raise a Tax for Mending and keeping in Repair the Publick Wells and Pumps in the Said City to the South of Fresh Water and other the purposes therein Mentioned.

[Passed, December 12, 1753.]

WHEREAS It is found by Experience that the keeping the Publick Wells and Pumps in the City of New York to the South of Fresh Water in constant repair hath been greatly Serviceable to the Inhabitants thereof in cases of Accidents by Fire and hath furnished them with Constant Supply of Water whereby great Fires have been Extinguished and prevented from spreading

AND WHEREAS it will greatly Conduce to the Ease of the Inhabitants of the Said City if the Expence of Maintaining and keeping the said Publick Wells and Pumps in Constant repair be provided for by a Tax for that Purpose to be laid on all and every the Inhabitants thereof living and Residing to the South of the Fresh Water And Forasmuch as the Laws heretofore made for Mending and keeping the same in Repair have not So fully Answered all the good purposes as were thereby intended

BE IT THEREFORE Enacted by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that it Shall and May

be lawfull to and for the Mayor Deputy Mayor or Recorder together with three or more of the Aldermen and they are hereby directed and Required on the first Tuesday in February next and every first Tuesday in February thereafter during the Continuance of this Act to Nominate and Appoint fit persons being Inhabitants of and in the Said City to be Overseers of the Said Wells and Pumps (that is to say) one or more fit Person for each and every of the Wards of the Said City (Excepting the Out-Ward) for the Year then Next Ensuing all which persons so to be Appointed as Aforesaid Shall have the Care Charge and oversight and be overseer or overseers of all and every the Publick Wells and Pumps which are now or Shall hereafter be sunk or made in the Ward for which he or they Shall be so Severally Appointed Overseers as Aforesaid of Which Appointment So to be Made the Said Mayor or deputy Mayor or Recorder with three or more Aldermen Shall within three days thereafter Send Notice in Writing to Each And every of the Said persons So by them appointed to be overseers as Aforesaid and if it happen that any Publick Well or Pump Shall Stand in any Street where two Wards do join that then the Aldermen of the two Wards So Joining or if they disagree the Mayor deputy Mayor or Recorder, with them Shall Settle direct and appoint which of the overseers Shall take the care charge and oversight of such Well or Pump And if it happen that any Publick Well or Pump Shall stand in any Street where three Wards do Join that then the Aldermen of the Said Wards so joining or the Major part of them Shall Settle direct and Appoint which of the Overseers Shall take the Care Charge and oversight of Such Well or Pump

AND be it Enacted by the Authority Aforesaid that each and every Person so to be Appointed overseer as Aforesaid Shall within Eight days next after his being so Appointed and Notice thereof to him given as Aforesaid Cause all and every the Wells and Pumps whereof he is and Shall be appointed overseer as aforesaid to be Viewed Examined Cleansed and put in good Order and repair and Shall So keep and Maintain them from time to time for and during So long time as he Shall Continue overseer thereof and Shall also from time to time cause new pumps to be put into Such Wells as the Aldermen and Assistant of the Ward Shall Judge Necessary and in case it Shall So happen that any one or more of the overseers to be Appointed by Virtue of this Act Shall remove out of this City or should



Dye before the Expiration of one Year next after his being Nominated or being Nominated Shall refuse to Act that then and in either of the Said Cases it Shall and may be Lawfull to and for the Said Mayor deputy Mayor or Recorder together with three or more Aldermen of the said City to appoint other or others in his or their Room and Stead and so as often as the Case Shall happen and that all and every the overseers to be appointed by the Said Mayor deputy Mayor or Recorder and three or more Aldermen by Virtue of this Act Shall keep Just Fair and exact accounts of all and every Sum and Sums of Money which they or any of them Shall pay disburse lay out and Expend in about and towards the Cleansing Maintaining and keeping the said Wells and pumps in good repair And Forasmuch as the Inhabitants of the Said City have on all occasions and Accidents of Fire not only Chearfully afforded their ready Assistance in Extinguishing the Same but have also Sent out their Leathern fire Buckets for that purpose many of which have from time to time been Burnt destroyed and Lost for which no Recompence or Allowance HATH been made Nór is there any Recompence or Satisfaction provided for the owners thereof which may prove a great discouragement to Such Owners and Proprietors of Buckets to Send out the Same on the like occasions for the future TO THE END THEREFORE that due and Regular Payment be made to all and every the overseers of the Wells and Pumps aforesaid for the Money's by them disbursed and laid out AND to the owners of Such Buckets as may be Burnt destroyed or lost at any Fire or Fires that may hereafter happen

BE IT FURTHER ENACTED by the Authority aforesaid that the Mayor deputy Mayor or Recorder together with three or more Aldermen of the said City for the time being or the Major part of them Shall have full power and Authority and are hereby fully Authorized and Empowered on the Second Tuesday of January in every Year during the Continuance of this Act to lay a Reasonable Tax on the Said City of New York (Excepting the out Ward of the said City) as well to make Reparation for the loss of Such Buckets which may hereafter be destroyed Burnt or lost at any Fire as also for the Mending and keeping in Repair the publick Wells and Pumps of and in the Said City to the Southward of Fresh Water and add the Same to the Sum which Shall then be raised for the Maintenance of the Minister and Poor of the said City So as the Sum

to be levied for the Purpose do not Exceed in the Whole the Sum of one Hundred and Twenty Pounds Current Money of this Colony for one Year Which Tax So to be laid Shall be rated and Assessed at the Same time and by the vestrymen who Shall Annually Rate and assess the Tax for the Maintainance of the Minister and Poor of the Said City and Shall be rated together in one Assessment made of the whole the Assessors first taking the Oath prescribed to be taken in and by an Act Entituled An Act to Enable the Inhabitants of the City of New York to Chuse two Vestry Men for each Respective Ward within the Said City made and Passed in the Nineteenth Year of his Present Majesty's Beign and the Said Tax So Made Shall be Collected levied and paid at the Same time and in the Same Manner as the Tax for the Maintainance of the Minister and Poor of the Said City hath been accustomed and by Act or Acts of this Colony is directed to be Collected levied and paid into the hands of the Church Wardens of the said City for the time being who Shall be accountable for the Same in the manner they are Made accountable for the Moneys Raised for the Support of the Minister and Poor of the Said City and be Subject to the like Penalties in case of their Refusal

AND be it further Enacted that in case any or either of the overseers SO to be appointed by Virtue of this Act Shall Neglect or Refuse to Accept the office or Shall neglect or refuse to do his or their duty therein as the Same is required by this Act Every Such person Shall for his Refusal Neglect or delay Forfeit the Sum of Five Pounds Current Money of this Colony To be recovered by Action of Debt Bill plaint or Information in any Court of Record within this Colony (wherein no Essoin Protection or Wager of Law or more than one Imparlanee Shall be Allowed) by any Person or Persons who Shall Sue and prosecute for the Same to Effect one half of which forfeiture Shall be paid to the Church Wardens of this City and applyed towards Repairing Such Publick Wells and Pumps in the Same Manner as the other Moneys to be raised by Virtue of this Act and the other half to the Person who Shall Sue and prosecute for the same to Effect.

AND be it also Enacted by the Authority Aforesaid that the overseers of the Publick Wells and Pumps of the Said City Shall in every three Months produce to the Said Mayor Deputy Mayor



or Recorder and Aldermen or one of them a Just and true account of all and Every the Moneys by him and them Expended and laid out in and About the Cleansing amending and Repairing the Wells and Pumps Aforesaid and Make Oath that the Same is a Just and true account thereof That thereupon the Said Mayor deputy Mayor or Recorder together with three or more Aldermen Shall forthwith Issue their Warrants to the Church Wardens of the Said City to Pay to Such Overseer So producing and Making Oath to his Account the full amount thereof AND in case any person or Persons Shall hereafter loose any Bucket or Buckets at any Fire which May happen in this City and Shall Make proof before the Mayor deputy Mayor Recorder or any of the Aldermen of the Said City for the time being that the Same were Actually lost in that Service and of the Value of Such Bucket or Buckets at the time the Same were So lost Burnt or destroyed, That then and in Such Case the Said Mayor deputy Mayor Recorder and Aldermen or any one of them Shall by Warrant under his Hand directed to the Said Church Wardens order the Value thereof to be paid to Such Person or Persons So making Proof of the loss thereof And if any Person or Persons Shall at any time thereafter be Convicted of having taken a false Oath Touching the premises he She or they So offending Shall incur the penalty of Wilfull Perjury PROVIDED ALWAYS, That If Such Bucket or Buckets so proved to be Burnt destroyed or lost as Aforesaid Shall afterwards happen to be found the property thereof Shall thenceforward be in the Mayor Aldermen and Commonalty of the City of New York unless the owner or owners thereof will take back the Same and Return the Money Allowed and paid to him or them for the loss thereof.

AND FORASMUCH as diverse disorderly Persons have frequently been Guilty of Cutting Well Ropes and breaking the Handles of Pumps and doing other Mischeifs to both for preventing of which for the future BE IT ENACTED BY THE AUTHORITY AFORESAID That if any Person or Persons Shall Wilfully or Maliciously Cut any of the Publick Well ropes or do other hurt or damage to any of the Said Wells or Pumps and Shall thereof be Convicted before the Mayor Deputy Mayor Recorder or any two of the Aldermen of the Said City he She or they Shall be liable to the Fine of Forty Shillings for Such offence to be Recovered by Warrant under the hands and Seals of Such Respective Magistrates before Whom he She or they

were so Convicted one half to the use of the Person or Persons who shall prosecute for the Same to Effect and the other half to the use of Such Wells or Pumps as Shall be so damaged And upon Refusal of Payment he She or they Shall be Committed to Goal thereto Remain for the Space of one Month or till the Fine be paid with Cost AND in Case any Negro Indian or Mulatto Slave Shall be Guilty of the Offences Aforesaid or any of them and Shall be thereof Convicted in Manner Aforesaid Such Negro Indian or Mulatto Slave Shall Suffer Such Corporal Punishment as the Mayor deputy Mayor Recorder and any two or More of the Aldermen of the Said City Shall in their discretion think fit Not Extending to life or limb Unless the master Mistress or owner of Such Indian Negro or Mulatto Slave Shall and do pay for such offence the Sum of Four Pounds Current money of this Colony the one half part thereof to be paid to the Church Wardens of the Said City for the time being to be applied for and towards the Repairing and Amending the Publick Wells and Pumps of this City and the other half part thereof to Such Person or Persons who shall Sue and Prosecute for the Same to Effect

AND be it further Enacted that all former Act or Acts heretofore made for mending and keeping in Repair the Publick Wells and Pumps of THIS City be Repealed and the Same are hereby Repealed Accordingly And that this Act continue in Force from the Publication hereof untill the first day of January which will be in the Year of our Lord One Thousand Seven Hundred and Sixty.

[CHAPTER 942.]

[Chapter 942 of Van Schaack, and chapter 21 (vol. 2) of Livingston & Smith, where the act is printed in full. Amended by chapter 1471.]

An Act to Enable the Freeholders and Inhabitants of the Townships of Rochester and Marbletown to Chuse and Elect at their Annual Town Meetings Two Constables for each Town

[Passed, December 12, 1753.]

WHEREAS the Freeholders and Inhabitants of the Townships of Rochester and Marbletown in the County of Ulster by their Town Patents or Charters are not Enjoyed or Required to Chuse or Elect a Constable or Constables and for want of



Such Officers Some Inconveniencies and disputes have Arisen and will Continue to Arise for Remedy Whereof

BE IT ENACTED by his honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same That the freeholders and Inhabitants of the Said Townships of Rochester and Marbletown respectively for the future Shall at their Annual Meetings for Electing Town Officers Chuse and Elect by Plurality of Voices two Constables for each of the Said Townships respectively and Such Person or Persons So Chosen and Elected as Above-said Shall Serve as Constable or Constables for the then Ensuing Year Untill there be others Chosen Elected and Qualified According to Law in their Room and Stead And every Such Person or Persons So Chosen and Elected as Aforesaid who Shall refuse or neglect to Qualify and Serve as is Above directed Shall forfeit for every Such offence the Sum of Forty Shillings to be recovered before any one of his Majesty's Justices of the Peace for Said County by Such Person or Persons who shall prosecute and Sue for the Same And in Such case it Shall and may be lawfull for any two Justices of the peace for the Said County of Ulster living in or Nigh the Said Townships to appoint Some fit Person or Persons to Execute the office of Constable for the said place or places where Such refusal or Neglect Shall happen untill a new Election Shall be made by Virtue of this Act as Aforesaid And every Such Constable or Constables So Elected Chosen or appointed as Aforesaid Shall have the same Powers and be Subject to the Same fines and Forfeitures as the other Constables for the Several Towns Manors and Precincts in the Said County are Impowered with and Liable to.

[CHAPTER 943.]

[Chapter 943 of Van Schaack, and chapter 22 (vol. 2) of Livingston & Smith, where the act is printed in full.]

An Act to prevent the importing or passing Counterfeits of British half Pence and Farthings.

[Passed, December 12, 1753.]

Whereas many Counterfeits of British half pence and Farthings, are now passing in this Colony, to the Great damage and Loss of the Inhabitants For Remedy whereof. BE IT ENACTED by his Honor the Lieutenant Governor, the Council

and the General Assembly, and it is hereby Enacted by the Authority of the same, that if any Person or persons, after the publication of this Act, Shall import or bring, or cause or procure to be imported or brought into this Colony any Counterfeits of British half pence or Farthings; each and every of the persons so Offending shall forfeit the Sum of one hundred pounds Currant Money of this Colony; to be recovered in any Court of Record within this Colony by Action of debt, Bill, or Information with Costs And to and for the proper use and Benefit of such person or persons who Shall Sue for the Same.

AND BE IT ENACTED by the same Authority that if any person or persons shall pass any Counterfeits of British half pence or Farthings in payment, knowing the same to be Counterfeit he she or they shall forfeit ten times the Value of the Sum for which the said Counterfeits of Half pence or Farthings were so passed in payment; to be recovered with Costs of Suit, before any Justice of the Peace by any person that will sue for the same; Which Justice is hereby fully impowered and required summarily to hear and determine the same, and to award Execution thereupon, if the said Forfeiture shall not amount to more than Six pounds Current Money of this Colony. And if such Forfeiture shall amount to more than that Sum, then it shall be recovered and applyed in the same manner as the Forfeitures herein imposed on persons importing Counterfeits of British Half pence or Farthings, are directed to be recovered and applied.

BE IT FURTHER ENACTED by the same Authority that if any Person or Persons shall tender or Offer in payment any Counterfeits of British Half pence or Farthings, It shall and may be Lawfull for the Person or Persons to whom such Tender or Offer shall be made, and he she or they are hereby required to Seize and take such Counterfeits of Half pence and Farthings, and, being so Seized and taken, the same to convey and deliver to some Magistrate of the City or County where such Tender or Offer shall be made, who shall deliver the same to the next General Court of Sessions of the Peace, to be holden for such City or County.

AND BE IT ENACTED by the Authority aforesaid that when any person or persons shall have passed any Counterfeits of British Half pence or Farthings in payment, he, she, or they shall be Lyable, and is and are hereby Obliged on demand to pay to



the person or persons to whom they were so passed in payment, the full Value of the Sum for which the same were so passed. PROVIDED such Counterfeits of British Half pence or Farthings be delivered to some Magistrate and such demand made as aforesaid within One Week after the Receipt of the same. But if such person or persons who shall so receive the same Counterfeits of British Half pence or Farthings, shall not within one Week thereafter deliver the same to such Magistrate, and make such demand as aforesaid, he she or they shall not have any Remedy by this Act.

AND be it further Enacted by the Authority Aforesaid that it Shall and may be lawfull for the Courts of Sessions and they are hereby Respectively required once every Year to give order for the Melting down all Such Counterfeits of British half pence or Farthings as shall or may from time to time be delivered to them and Shall likewise order and direct the Same WHEN So melted down to be Sold and disposed of to the best Advantage and the Money to arise from Such Sale (after all Charges respecting the Said Melting and Sale Shall be paid) to be delivered unto the overseers of the Poor of the City Town Manor or Precinct respectively where the Said Counterfeits of British half pence or Farthings were taken as Aforesaid to and for the use and benefit of their Respective Poor.

AND be it further Enacted by the Authority Aforesaid that in case any dispute Shall happen between Any Persons Whatsoever where any British half pence or Farthings Shall be Paid offered or Tendered touching or Respecting the goodness thereof the same Shall be determined by any Justice of the Peace who shall then be at or nearest to the place where the Said dispute Shall so happen in case the sum in dispute Exceed not the Sum of Forty Shillings But in case the Same Exceed Forty Shillings then the Said Justice Shall if required by either of the Parties take to his Assistance Two able and Sufficient Freeholders who under Oath Shall with the Said Justice Summarily hear and determine the Said dispute Whose Judgment in the Case Shall be final between the Said Parties.

BE IT FURTHER ENACTED that if any person or persons Whatsoever after the publication of this Act shall for the Space of ten days keep in his her or their Custody or possession, any Counterfeits of British half pence or Farthings, knowing them to be such, he She or they shall in that case, be deemed to have

imported the same, and be Subject to the like Forfeiture, as is by this Act imposed on any person who shall import such Counterfeits of British Half pence or Farthings.

AND BE IT ALSO ENACTED that if any Magistrate shall receive Information upon Oath, that any Counterfeits of British Half pence or Farthings, were seen or discovered by the person or persons making such Oath, in any place or places within twenty four hours before such Information given, it shall and may be Lawfull in that Case for the said Magistrate, and he is hereby enjoined and required to issue a Warrant to cause such Place or Places to be Searched, and if any Counterfeits of British Half pence or Farthings be found, the person or persons possessed thereof, shall be deemed the Importer or Importers of the same, and be Subject to the Like forfeiture, as if he She or they had actually imported the same, unless such possessor or possessors thereof, shall prove, that the same came into his her or their Custody or possession, within ten days before such Information.

#### [CHAPTER 944.]

[Chapter 944 of Van Schaack, and chapter 23 (vol. 2) of Livingston & Smith, where the title only is printed. Expired January 1, 1755.]

An Act to Regulate the Collecting the Duty of Excise on Strong Liquors retailed in this Colony

[Passed, December 12, 1753.]

WHEREAS the present Method of Collecting the duty of Excise on Strong Liquors retailed in this Colony by letting the Same to Farm is found Grievous to the Several Retailers by the Exorbitant and Excessive Exactions of many of the Farmers of the Said Duty for Remedy Whereof

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly And it is hereby Enacted by the Authority of the Same That the Mayor Recorder and Aldermen of the City of New York Shall be and hereby are appointed Commissioners for Collecting the Said Duty of Excise of and from the Several Retailers of Strong Liquor within the Said City from the first day of January One thousand Seven Hundred and Fifty four to the first day of January One Thousand Seven Hundred and Fifty five.



AND be it further Enacted by the Authority Aforesaid that the Said Commissioners or the Major part of them Shall as Soon as they Conveniently can after the Publication of this Act Meet at the City Hall of the Said City in order to put in Execution the Several Powers and Authority's given them by this Act at which time or at Such other time or times as they the Said Commissioners or the Major part of them Shall find Expedient They Shall appoint the Several Retailers within the Said City and direct and Ascertain what each Retailer Shall Pay for the Said Duty from the first day of January One thousand Seven Hundred and Fifty four to the first day of January One thousand Seven Hundred and Fifty five ALLWAYS PROVIDED that the whole Sum to be laid on the Several Retailers in the said City Shall not be less than the Sum of Nine Hundred and Forty Four Pounds with Such other Sum in Addition thereto as they the Said Commissioners Shall Judge Sufficient for the Charges of Managing and Collecting the Same Which Said Sum of Nine Hundred and Forty four Pounds shall by the said Commissioners be paid unto the Treasurer of this Colony on or before the first day of January One Thousand Seven Hundred and Fifty Five.

AND be it further Enacted by the Authority Aforesaid that the Several and Respective Persons hereafter named Shall be and hereby are Appointed Commissioners for Collecting the Said Duty of Excise of and from the Several and Respective Retailers within the Several and Respective County's of this Colony viz't

For the City and County of Albany the Mayor Recorder and Aldermen of the Said City.

For Queens County James Hazard and Jacob Smith Esquires

For Kings County Abraham Bloom Esquire

For Suffolk County Richard Floyd Elijah Hutchinson and Hugh Gilston Esquires

For Westchester County Edward Stephenson Esquire

For Dutches County Clere Everet and Leonard Van Kleeck

For Ulster County Jacob Turk and Abraham Haasbroeck junior

For Orange County Moses Gale and David Blaawvelt

And For Richmond County Joseph Beadle James Egbers and Jacob Reseau Esquires

AND be it further Enacted by the Authority Aforesaid that the Aforesaid Several and Respective Commissioners or the

Major part of them. Respectively Shall as Soon as they Conveniently can after the Publication of this Act meet at the County Halls of their Several and Respective County's for putting in Execution the Powers and Authoritys given them by this Act at which time or at Such other time or times as they Shall Judge Necessary the Said Commissioners or the Major part of them Respectively Shall for their own County's Severally and Respectively fix the Number and Appoint the Several Retailers within their Several and Respective County's and direct and Ascertain what each Retailer shall Pay for the said Duty of Excise from the first day of January One thousand Seven Hundred and Fifty Four to the first day of January One Thousand Seven Hundred and Fifty five ALWAYS PROVIDED that the Sum to be laid on the Several Retailers in the City and County of Albany Shall be the full and Entire Sum of One Hundred and Seventeen Pounds with the Sum of Thirteen Pounds in Addition thereto for the charges of Managing the Same

On the Several Retailers in Queens County the full and Entire Sum of One Hundred and Thirty Nine Pounds Nine Shillings with the Sum of Ten Pounds in Addition thereto for the Charges of Managing the Same.

ON the Several Retailers in Kings County the full and Entire Sum of Thirty Eight Pounds Three Shillings with the Sum of Five Pounds in Addition thereto for the Charges of Managing the Same.

On the Several Retailers in Suffolk County the full and Entire Sum of Thirty Eight Pounds Three Shillings with the Sum of Nine Pounds in Addition thereto for the Charges of Managing the Same.

On the Several Retailers in Westchester County the full and Entire Sum of Sixty Six Pounds with the Sum of Ten Pounds in addition thereto for the Charges of Managing the Same

On the Several Retailers in Dutchess County the full and Entire Sum of Thirty Eight Pounds Three Shillings with the Sum of Ten Pounds in addition thereto for the Charges of Managing the Same

On the Several Retailers in Ulster County the full and Entire Sum of Thirty Eight Pounds Three Shillings with the sum of Six Pounds in Addition thereto for the Charges of Managing the Same



On the Several Retailers in Orange County the full and Entire Sum of Nineteen Pounds Eleven Shillings with the Sum of Three Pounds in Addition thereto for the Charges of Managing the Same

And on the Several Retailers in Richmond County the full and Entire Sum of Twenty Eight Pounds Seventeen Shillings with the Sum of One Pound and Ten Shillings in addition thereto for the Charges of Managing the Same.

AND be it further Enacted by the Authority Aforesaid that the Aforesaid Several and Respective Commissioners Shall before they Enter on the Execution of the Powers and Authority's given by this Act enter into the following Recognizances unto our Sovereign Lord the King his Heirs and Successors before any Judge of the Supreme Court or of the Inferior Courts, that is to Say

The Said James Hazard and Jacob Smith in the penal Sum of Two Hundred and Seventy Eight Pounds Eighteen Shillings

The Said Abraham Bloom in the penal Sum of Seventy Six Pounds Six Shillings

The Said Richard Floyd Elijah Hutchinson and Hugh Gilston in the penal Sum of One Hundred and Forty One Pounds Eighteen Shillings

The Said Edward Stephenson in the penal Sum of One Hundred and Thirty two Pounds

THE Said Clere Everet and Leonard Vankleeck in the penal Sum of Seventy Six Pounds Six Shillings

The Said Jacob Turk and Abraham Haasbroeck junior in the penal Sum of Seventy Six Pounds Six Shillings

The Said Moses Gale and David Blaawvelt in the penal Sum of Thirty Nine Pounds two Shillings And

The Said Joseph Beadle James Egberts and Jacob Reseau in the penal Sum of Fifty Seven Pounds Fourteen Shillings

CONDITIONED that they Shall well and Truly pay to the Treasurer of this Colony on or before the first day of January which will be in the Year of our Lord One Thousand Seven Hundred and Fifty five the Several and Respective Sums to be laid in Manner Aforesaid on the Several and Respective Retailers within their several and Respective County's Exclusive of the several and Respective Sums by this Act allowed for the Charges of management

AND be it further Enacted by the Authority Aforesaid that the aforesaid Several and Respective Retailers Shall Pay the

Aforesaid Several and Respective Sums laid or to be laid on them unto the Aforesaid Several and Respective Commissioners on or before the first day of December One Thousand Seven Hundred and Fifty four for Securing Which Payment the Said Commissioners Shall Respectively oblige the Said Several and Respective Retailers to give Such Security as they the Said Commissioners Shall Judge Necessary

AND be it further Enacted by the Authority Aforesaid that in case any Person or Persons whatsoever other than Such as the Said Commissioners Shall permit Shall presume to Sell any Strong Liquors by Retail he she or they So Offending Shall for each Such Offence forfeit the Sum of Six Pounds to be Recovered by the Said Commissioners Respectively on the Oath of any one Creditable Witness in a Summary way In the City's of New York and Albany before the Mayor or Recorder and one or more Aldermen of the Said Citys Respectively and in the Several County's before any Justice of the Peace within the Said County's Respectively and if upon Conviction the Said forfeiture be not PAID the Same Shall be levied on the Goods and Chattles of the offender or Offenders by Warrant under the hands and Seals of the Persons before whom Such Conviction Shall happen and if no goods or Chattles are found on which to distrain It Shall be Lawfull for the Persons who heard and determined the Cause to Commit the offender or Offenders to Goal without Bail or Mainprize for the Space of Three Months unless the Said Penalty's are sooner discharged And the Said Respective Magistrates Shall be and hereby are fully Impowered directed and Required to hear and determine those Matters in the Manner Aforesaid and to give Judgment and if need be to award Execution thereon And to Issue a Warrant or Warrants for the Commitment of offenders as the Case may require one third of which forfeiture Shall be to the Informer or Informers one third to the Said Commissioners And one third to the Poor of the Town Manor or Precinct where the Offence Shall be Committed to be paid into the hands of the Church Wardens or overseers of the Poor of the Said Respective Place or Places by the Office or Officers by whom the Same Shall be levied.

AND be it further Enacted by the Authority Aforesaid that the Several Retailers who Shall be permitted and Allowed to Retail by the Said Commissioners Shall before they do So Retail any Strong Liquors enter into Recognizances That is to Say in the Citys of New York and Albany before the Respective



Mayors thereof and in the several County's of this Colony before two Justices of the peace in the Penal Sum of Twenty Pounds with Sufficient Sureties in the like Sum Conditioned to keep an orderly house according to Law during the time they Shall be so Permitted to Retail as Aforesaid And thereupon the Said Respective Mayors or the said Justices Shall grant to the person or persons who have entered into Such Recognizances a Licence under his or their hands and Seals to Retail Strong Liquors in Such House or place as Shall be Mentioned therein during the Continuance of this Act Which Recognizances are to be lodged by the Person or Persons before whom the Same Shall be taken Viz't; In the City's of New York and Albany with the Town Clerks and in the Several County's with the Respective Clerks thereof and upon Complaint of the Breach of the Said Condition It Shall be lawfull for the Said Mayors and Aldermen of New York and Albany or the greater Number of them and in the Countys for the Justices of the General or Special Sessions of the Peace to Suppress the Licence or Licences of Such offender or offenders

AND be it further Enacted by the Authority Aforesaid that in case any of the Persons who Shall be permitted to retail Strong Liquors as Aforesaid by the Said Commissioners Shall presume to retail before he she or they have Obtained a Licence and Entered into Recognizance to keep an orderly house as Aforesaid he She or they So offending Shall Respectively forfeit the sum of Six Pounds for each offence to be Recovered in a Summary Way in the Manner before directed one half thereof to the Informer or Informers and the other half to the Poor of the Town Manor or Precinct where the Said Forfeiture shall arise

AND that the Expence of being qualified to Retail may be within the Bounds of Moderation Be it Enacted by the Authority Aforesaid that no more Shall be taken for a Licence and Recognizance in the City's of New York and Albany than the Usual and Accustomed fees And in the Respective County's than the Sum of Three Shillings.

AND be it further Enacted by the Authority Aforesaid that Such Persons permitted to Retail as Aforesaid by the Said Commissioners who Retail Strong Liquors not to be drank in their own Houses but Carried Elsewhere Shall not be obliged to enter into Recognizances and take Licences as aforesaid any thing Contained in this Act to the Contrary Notwithstanding.

AND be it further Enacted by the Authority Aforesaid that all the Moneys to be paid to the Treasurer of this Colony by

Virtue of this Act Shall be employed for and towards Cancelling the Bills of Credit Struck and Issued on the Said Duty of Excise at the times and in the manner directed in and by an Act Entituled An Act for the more Effectual Cancelling the Bills of Credit of this Colony Passed in the Twenty first Year of his Majesties Reign and to and for no other use and purpose whatsoever Except So much thereof as is otherwise Applied by An Act Entituled An Act further to continue the duty of Excise and the Currency of the Bills of Credit Emittid thereon for the purposes in the former Act and herein Mentioned Passed in the Twenty Seventh Year of his Majesty's Reign.

AND be it Enacted by the Authority Aforesaid that in Case all the Several Sums for which the Excise Shall be let in the City of New York Shall fall Short of the Sum of Nine Hundred and Forty Four Pounds herein before mentioned with the incidental charges of Letting and Collecting the same Then the Commissioners Aforesaid for the City of New York Shall be and hereby are Impowered to Call the Retailers before them and Assess and Rate Such Sum and Sums upon them as Shall be Sufficient to make up Such deficiency

And be it also Enacted that the Retailers in the City of New York Shall Pay the Excise in three Several Payments or Sooner as the Commissioners and they Shall Agree PROVIDED ALWAYS that nothing in this Act Shall be Construed to make Void abridge or in any Way lessen the Several Rights and Privileges granted unto the Corporations of the Citys of New York And Albany by their Respective Charters any thing Contained in this Act to the Contrary thereof in any wise Notwithstanding

[CHAPTER 945.]

[Chapter 945 of Van Schaack, and chapter 24 (vol. 2) of Livingston & Smith, where the act is printed in full.]

An Act for preventing frauds by Mortgages which Shall be made and Executed after the first day of June in the Year One thousand Seven Hundred and Fifty four.

[Passed, December 12, 1753.]

WHEREAS many frauds and Aúbuses have been Committed as well by Persons Mortgaging their lands Tenements and Real Estate and afterwards Selling the Same Lands to other Persons who were Ignorant of Such Mortgages as by Persons Mortgaging the Same Lands Several times without giving Notice to



the latter Mortgagees of the former Mortgage or Mortgages Whereby many Persons have been defrauded of great Sums of Money Wherefore for preventing those Evils for the future BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same That immediately from and after the Publication hereof Each and every of the Clerks of the Several and Respective Citys and County's within this Province Shall provide a fit and proper Blank Book for the Registring of all Mortgages of Lands Tenements and Real Estate lying within their Respective City's & County's Which Shall be Made and Executed after the first day of June in the Year One thousand Seven Hundred and Fifty four In which Register Shall be Entered the description and Boundary's of the Lands Mortgaged the Names of the Mortgagors and Mortgagees and the dates of the Respective Mortgages the Mortgage Money and the time and times when Payable and the time when Registered or Recorded To which Register all persons whatsoever at proper Seasons may have Recourse and Search And for which the Said Clerks Shall have and Receive the Sum of three Shillings for each Mortgage So Entered and One Shilling for every Search PROVIDED ALWAYS that before any Such Mortgage Shall be So Entered in any Such Register the Same Shall be either Acknowledged by the Parties that Executed the Same or Proved by one or More of the Witnesses thereto upon Oath Either before one of his Majesties Council for this Colony or one of the Justices of the Supream Court or one of the Judges of the Court of Common pleas of the Respective City's and Countys where the Lands So Mortgaged lye

AND be it further Enacted by the Authority Aforesaid That if ANY Person or Persons whatsoever Shall After the first day of June One thousand Seven Hundred and Fifty four Mortgage any Lands Tenements or Real Estate Whatsoever within this Colony to two or more Persons at different times and any doubt or dispute Shall Arise about the Priority of Such Mortgages That then and in Such Case the Mortgage first Entered on the Register in Manner before directed for the City or County Where the Lands Tenements or Real Estates lye Shall be deemed and taken and is hereby declared and Shall be Adjudged by all Courts of Law and Equity within this Colony to be the first and Prior Mortgage Provided it be made Bona Fide and upon good and Valuable Consideration Any law Usage or Custom to the Contrary Notwithstanding

AND be it further Enacted by the Authority Aforesaid That the Respective Loan officers within this Colony for the time being Shall permit and Suffer any Person or Persons at Seasonable times to Search and View the Books of Mortgages in their hands and Custody upon their Paying One Shilling for the Said Search

AND be it further Enacted by the Authority Aforesaid that whenever any Mortgage or Mortgages so Entered as Aforesaid Shall be Redeemed paid off and discharged the Clerks of the Respective City's and County's on Application to them Made by the Mortgagors or Persons Redeeming Paying Off and discharging Such Mortgages and producing A Certificate to the respective Clerks of the respective Cities or Counties signed by the Mortgagee or Mortgagees in such Mortgage his her or their Executors Administrators or Assignes and acknowledged by the Party or Parties signing the same or proved by the Oath of one or more of the Witnesses thereto either before one of his Majesty's Council for this Colony or one of the Justices of the Supreme Court or one of the Judges of the Court of common pleas of the respective Cities and Counties where the Land so Mortgaged lie, Shall and they are hereby Required to enter in the Aforesaid Book of Mortgages a Minute of the Said discharge or discharges which Minute So Entered Shall be deemed and taken to be and is hereby declared to be a full perfect and Absolute Barr to the first Entry of any Such Mortgage or Mortgages For which Entry the Respective Clerks Shall have and Receive the Sum of One Shilling And No More.

AND be it further Enacted by the Authority Aforesaid that the Several and Respective Clerks of the Peace for the Respective City's and County's of this Colony Shall publickly Read this Act in the Respective Courts of Sessions of the Peace in open Court at two Sessions of the peace next after the Publication of this Act in each Respective City and County of this Colony

#### [CHAPTER 946.]

[Chapter 946 of Van Schaack, and chapter 25 (vol. 2) of Livingston & Smith, where the title only is printed. Repealed by chapter 1138.]

An Act for the more equal Taxation of  
Estates in Queens County.

[Passed, December 12, 1753.]

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted



by the Authority of the Same that from and After the Publication of this Act each Respective Town and Manor within Queens County Shall be and hereby are enabled to Chuse and Elect yearly and every year at their Annual Meetings for the Choice of Town Officers Such and So many Persons being Freeholders to be Assessors for the Said Respective Towns and Manors as the Majority of the Freeholders then Assembled Shall Judge Necessary not exceeding Four for each Respective place which Assessors So chosen and Elected Shall each of them before they enter on the duty of their office take an Oath or if Quakers an Affirmation to the following Effect, to wit, That they Shall and will well truly Equally and impartially according to the best of their Knowledge Skill and Judgment assess all the whole Real and Personal Estates of all the Freeholders and Inhabitants of the Respective Towns and Manors for Which they Shall be chosen Assessors and of all Such as have Estates there and not Resident therein And the Said Respective Towns and Manors Shall be and hereby are enabled and impowered at their Said Annual Meetings to make Such allowance for the Service of their Several and Respective Assessors as the Majority of the Freeholders and Inhabitants then Present Shall Judge Sufficient which Said allowance Shall be Added to and raised with the Tax annually raised for the Maintenance of the Minister and Poor of the Said Respective places and Collected and paid Accordingly

AND be it Enacted by the Authority Aforesaid that the Assessors So Chosen and Qualified as Aforesaid Shall as soon as they Conveniently can after Such Qualification proceed in Making their Assessments in doing whereof they Shall Assess all Visible and Apparent Estates without any deduction for Debt or Supposed Debts or Incumbrances and Shall make out a true and Exact List of the names of all the Freeholders and Inhabitants of the Respective Towns and Manors for which they shall be so Chosen Assessors and of Such who have Estates therein and not Resident there and Against the Name of every Such PERSON Shall Set down the Value of all his or her whole Estate Real and personal as Nigh as they can discover the Same Setting down for each Hundred Pounds Real Value Four Pence and in that proportion for a greater or lesser Sum which Shall Compleat and deliver unto the Supervizors of County or unto their Clerk on or before the first Tues-

day in June Yearly and every Year after their Said Election From the Sum totall of which Assessment Lists So brought in and delivered to the Supervizors as Aforesaid from the Respective Towns and Manors for which they are Respectively Chosen They the Said Supervizors Shall Exactly Compute what each Pound of the Said Sum Total is or ought to be Charged with of the Sum or Sums which are from time to time to be raised on the Said County Which having found they Shall then Add in every of the Said Lists over against each Persons name and the Sum at which his or her Estate is Assessed the Particular Sum which his or her Estate is Rated at or Charged with of what is then to be Raised on the Said County Adding thereto at what Rate per pound the Computation is made which being done the Said Supervizors Shall Transmit the Said Lists So Completed unto the Collectors of the Respective Towns and Manors from which the Said Lists were brought with Warrants under their hands and Seals thereto Annexed Commanding the Said Collectors Respectively to Collect of and from all and every the person and Persons Contained in the Said Lists their Executors or administrators the Several and Respective Sums at which their Respective Estates are thereby Rated with power to distrain for the Same in case any Person or Persons Shall refuse or Neglect to pay what their Estates are so Rated at And directing the Said Collectors to Pay all the Said Sum or Sums So Collected according to the directions of the several Act or Acts by which the Same are or may be laid on the Said County Anything contained in any of the Acts of this Colony to the Contrary hereof Notwithstanding

AND be it further Enacted by the Authority Aforesaid that if any Assessor or Assessors Chosen and Elected Yearly and every Year by Virtue of this Act Shall either Refuse to take the Said Charge upon him or them or having Accepted the Same Shall Neglect his or their duty therein Each So Refusing or Neglecting Shall Respectively forfeit the Sum of Five Pounds to be recovered by the Supervizors of the Said County or the Major part of them with Full Costs of Suit in the Inferior Court of Common Pleas for the said County and be by them applied towards Paying the Necessary and Contingent charges of the Said County in Such Manner as the Said Supervizors Shall think Proper and the Assessment Lists made by Such as Shall and do Accept the Same and do their duty therein Shall be as



good and Effectual as if all the Assessors Chosen Elected and Qualified as Aforesaid had Joined therein

AND be it further Enacted by the Authority Aforesaid that if there be any Landed Estates lying within any of the Said Towns or Manors whereon no Persons are Resident and no moveable Effects thereon whereof distress can be Made then it Shall be lawfull for the Collector or Collectors of Such Town or Manor wherein Such landed Estates do so lie And they are hereby Impowered and Authorized to Enter on Such Lands and Cut and carry off So much of the Timber or Grass growing or being thereon as will be Sufficient to Pay what the Said Estate or Estates is or Shall be Rated at with all Costs and Charges Arising thereon Any Law Usage or Custom to the Contrary Notwithstanding

[CHAPTER 947.]

[Chapter 947 of Van Schaack, and chapter 26 (vol. 2) of Livingston & Smith, where the title only is printed. See chapter 674. Continued and modified by chapter 963.]

An Act to revive An Act entituled An Act to Regulate the Militia of this Colony.

[Passed, December 12, 1753.]

WHEREAS An ACT entituled an Act to regulate the Militia of this Colony passed in the thirteenth Year of his present Majestys Reign was continued by several Subsequent Acts which are long since expired.

AND WHEREAS a due and proper Regulation of the Militia of this Colony tends not only to the security and Defence thereof but likewise to the Honour and Service of his Majesty which makes it Highly necessary to provide for the same.

BE IT THEREFORE ENACTED by his Honour the Lieutenant Governour the Council and the General Assembly And it is hereby Enacted by the Authority of the same That the above mentioned Act Entituled An Act to Regulate the Militia of this Colony shall be and hereby is Revived and every Clause Article matter and thing therein Contained Reenacted and Shall be and Remain in full force and Virtue to all intents Construtions and purposes whatsoever from the Publication hereof until the first day of January which will be in the Year of Our Lord one thousand Seven hundred and fifty five. And from thence until the end of the then next Session of the General Assembly.

## [CHAPTER 948.]

[Chapter 948 of Van Schaack, and chapter 27 (vol. 2) of Livingston & Smith, where the act is printed in full. Continued by chapter 958.]

An Act for granting to his Majesty the  
Several duties and Impositions on goods Wares  
and Merchandizes imported into this Colony,  
therein Mentioned.

[Passed, December 12, 1753.]

WHEREAS the duties and Impositions granted to his Majesty by former Acts of the Legislature of this Colony will determine on the first day of January next Ensuing and the General Assembly being Heartily disposed to make timely Provision for his Majesty's Service

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that there Shall be and hereby is given and granted to his Majesty his Heirs and Successors the duty's and Impositions herein After Mentioned on the several goods and merchandizes herein particularly Enumerated which Shall be imported into this Colony from and After the first day of January which will be in the Year of our Lord One thousand Seven hundred and Fifty four to the first Day of January which will be in the year of Our Lord One thousand Seven hundred and Fifty Five, That is to Say

For every Negro Mulatto or other Slave of Four Years old and upwards imported directly from Africa Five Ounces of Sevil Pillar or Mexico Plate or Forty Shillings in Bills of Credit made current in this Colony

For every Such Slave as Aforesaid of Four years old and upwards imported from all Other places by Land or Water the Sum of Four Pounds in like Money

For every Pipe of Wine without distinction or Exception Nor any other Allowance than what is herein After Explained from all places whence they may legally be imported the Sum of Thirty Shillings in like Money and After that Rate for a greater or lesser Quantity

For every Gallon of Rum Brandy or other distilled Liquors as likewise for every Gallon of Shrub or any other Liquors of which the greater part is distilled Spirits from all places



whence the Same may legally be imported the Sum of Two Pence in like Money

For every Hundred Weight of Cocoa (Reckning One Hundred and twelve pounds to the Hundred) the Sum of Four Shillings in like Money and After that Rate FOR a greater or lesser Quantity to be Computed or Weighed as herein After is directed And Explained

For all European or East India goods imported from the British Islands with proper Certificates the Sum of Five Pounds in like Money for every Hundred Pounds Value Prime Cost and After that Rate for a greater or lesser Quantity

AND to avoid and clear up disputes that may happen concerning the duty on Slaves BE IT ENACTED by the Authority Aforesaid that all Slaves imported from Africa in the Same Vessell which took them on Board on any part of that Coast Shall pay no greater duty for each of them then the Said Forty Shillings tho' Such Vessell had Stopp'd at or Entered in any other Port or Ports before her Arrival here PROVIDED the Master or Mate and Some other Officer which came in Such Vessell from Africa make Oath before the Treasurer of this Colony That the Slave or Slaves So imported here had been Actually taken on Board of that Vessell on the Coast of Africa and had not been Landed or put on Shore in any other Place After the Same had been So taken on Board of that Vessell on the Said Coast

AND BE IT PROVIDED and Enacted by the Authority Aforesaid that all Such Slaves belong to the Navagation of any Vessell or coming from or going to the Neighbouring Colony's upon the Service of their Masters or Mistresses and Such as are under the Age of Four Years Shall be and hereby are Exempted from the duty imposed by this Act on Slaves

AND BE IT FURTHER PROVIDED and Enacted by the Same Authority that every Person or Persons coming here Singly or with their Family's either for the Recovery of their Healths or to Reside in the City or Colony of New York Shall be Allowed Duty free all Such Slave or Slaves as he she or they Shall bring with them for his her or their Particular Service PROVIDED that the owner and owners of such Slave or Slaves Shall within Four days after the Importation thereof give Sufficient Security to the Said Treasurer That whenever Such Slave or Slaves is or Shall be Sold the duty imposed by

This Act Shall be Paid for the Same within two days after Such Sale And upon Failure of paying Such duty within that time the owner or disposer of Such Slave or Slaves Shall FORFEIT the Sum of Ten Pounds for every Slave So Sold and the Slave or Slaves So Sold Shall nevertheless be Subject to the Said Duty.

AND if any disputes arise concerning the age of Slaves during the Continuance of this Act BE IT ENACTED by the Authority Aforesaid that the Slave or Slaves about which Such disputes may happen Shall be brought before or Viewed by two Justices of the peace and their Opinion or Judgment thereon Shall finally determine Whether Such Slave Shall be deemed under or above the Age of Four Years

AND be it Enacted by the same authority that Such of the Slaves So imported as Aforesaid as Shall Die within Thirty days after his or her Arrival Shall be Exempted from the duty before Mentioned Provided proof be Made upon oath before the Said Treasurer that he or She was Sick at the time of the Importation thereof and if any Slave or Slaves Shall be Sent from the British Islands for the Recovery of their health the same shall likewise be Exempted from the Said Duty PROVIDED proof is Made in Manner as Aforesaid that Such Slave was Sent hither for the Recovery of his or her health only and that Security be given to the Said Treasurer to pay the duty thereof in case Such Slave doth not Die or be sent Back within Eight Months after the Landing thereof or within two days After the Sale thereof if Sold in this Colony within the time Above-mentioned

AND Whereas it has been Credibly Represented that a great Number of Slaves have Clandestinely been imported into this Colony both by Land and by Water to the great impairing the duty laid on them and to the great discouragement of fair Traders for Remedy Where of BE IT ENACTED by the Authority Aforesaid that it Shall and may be lawfull for all importers of Slaves at the time he She or they Pay or Secure the payment of the duty thereof to demand of the Treasurer for every one of Such Slaves a Certificate that the duty thereof is Satisfied and thereupon he is to give for every Such Slave to the Importer a Certificate in the form Following TREASURY OFFICE This is to Certify that duty has been Paid to me according to Law



by                      for one                      Slave named                      being a  
 aged                      years or thereabouts imported from  
 Witness my Hand this                      Day of                      Anno

And then to Sign the same As Treasurer In which first Blank is to be put the name of the Person Paying in the Second whether Negro Mulatto or Indian in the third the Slaves Name in the fourth Whether Man Woman Boy or Girl in the fifth the Age in the Sixth the Island or Place from Whence And in the three last the Day Month and Year in figures and the Treasurer is hereby obliged to give Such Certificates under his hand for Every Slave to the Importer desiring the Same for each of which Certificates the Said Importer is to Pay to the Said Treasurer for his trouble therein the Sum of One Shilling and no More And the seller or Sellers of Such Slave or Slaves are hereby obliged to deliver to the purchaser or purchasers thereof Such Certificate for proof that the duty is paid for Such Slave or Slaves.

AND be it Enacted by the Authority Aforesaid that if any Person or Persons shall Suspect any Slave or Slaves to have been Clandestinely imported into this Colony by Land or Water it Shall be Lawfull for every Such Person and Persons to enquire of the Owner or Possessor thereof whether duty has been paid for the Same and to demand a Sight of the Treasurers Certificate thereof and if the owner or Possessor of Such Slave Shall Refuse to produce the Same it shall be Lawfull for the person demanding Such Sight to Summon Such owner or Possessor before the Next Justice of the Peace and if he or she do then and there produce Such Certificate the Person So Summoned is only to pay for the Summons and the charges of Serving it and then Such Slave is to be discharged and if no Such Certificate is then produced the Said Owner or Possessor is immediately to enter into Recognizance to his Majesty in the Value of such Slave Conditioned that he or She Shall produce Such a Certificate as aforesaid within a time to be limited therein not Exceeding Thirty days and if Such Certificate is not produced at or before the expiration of the Time So limited the Said Recognizance Shall be forfeited and is hereby directed to be put in Suit Accordingly But if the party refuse to enter into Such Recognizance the Said Justice is hereby Required to Commit the Said Slaves into Safe Custody and if no Such Certificate as Aforesaid is produced to the Said Justice within Thirty

Days thereafter then and in Such Case the Said Slave Shall be and hereby is declared to be forfeited to his Majesty and Shall be Sold at Publick Vendue to the highest Bidder by the Said Justice Assisted by two other Justices one whereof to be of the Quorum giving at least Ten days Publick Notice before Such Sale and of what SHALL be recovered upon the forfeiture of Such Recognizance as Aforesaid or the Money to Arise by the Sale before mentioned one half Shall be paid to the Said Treasurer to and for his Majesty's Service and the other half to the Person or Persons who Shall take out a Summons in the Manner Aforesaid the Charges of the prosecution and Sale being first deducted out of the whole and for the damages Purchasers may Sustain by having bought a Slave Clandestinely imported into this Colony Whether by Land or Water he She or they Shall have their Remedy at Law against the Person or Persons who Sold the Same to him her or them.

AND for the more Effectual prevention of the Clandestine Running of any of the Goods or Merchandizes before Enumerated and thereby defrauding his Majesty of the duties therein granted And to the great damage of the fair and honest Trader BE IT ENACTED by the Authority Aforesaid that if any Waterman Boatman Cartman Porter or any other Person or Persons Whatsoever Shall during the Continuance of this Act be aiding and assisting in the taking up Landing Carting or Carrying any of the Goods or Merchandizes Afore Specified for which the duty's hereby imposed have Neither been paid nor Secured to be paid in the Manner Aforesaid every Such Person or Persons So knowingly offending in the premises and being thereof Convicted before any one or more of his Majesties Justices of the peace for the City Borough Town or County where the Offence is committed upon the Oath of one or more Credible Witnesses Shall forfeit and Pay the Sum of Twenty Pounds for the first offence to be levied by distress and Sale of the Offenders Goods and Chattles in like manner as in other Cases of Distress together with the Costs of Such Prosecution the one half part thereof to be paid to the Treasurer of this Colony to and for his Majesty's use and Service the other half to the Person or Persons who Shall prosecute and sue for the Same And for Want of Such Goods and Chattles Such offender or offenders Shall be Committed to the County Goal where such offence Shall be Committed there to Remain for the space of three months without



Bail or Mainprize or untill such forfeiture together with the Costs of Prosecution Shall be paid And for the second and every other offence being thereof convicted as Aforesaid Such offender or offenders Shall be Committed to Goal as Aforesaid for the space of Six Months there to Remain without Bail or Mainprize

AND BE IT ENACTED by the Authority Aforesaid that the Land and Tide waiter of the Colony duty's Shall within Six Days after the first Day of January Next take his Corporal Oath before one of the Justices of the supreme Court for the due and faithful Execution of his office and Trust according to the best of his Skill and power and that he will not demand or Receive any Fee or Gratuity directly or indirectly other than his Salary and the Regular Fees of the Said office established by Law which Oath Shall be Certified under the hand of Such Justice and delivered to the Said officer to be by him Lodged and filed with the Treasurer of this Colony And in case the said Land and Tidewaiter Shall Neglect or Refuse to take Such Oath within the time limited as Aforesaid he shall by such default be Rendered incapable of holding and Enjoying the Said office and thereupon it Shall and May be lawfull for the Lieutenant Governor or Commander in Cheif for the time being by and with the advice and Consent of his Majesties Council to Nominate and Appoint Some other fit and proper Person to the said office in his place and stead which Person so appointed Shall be Entitled to have and Recieve the like Salary Fees and Perquisites as the Person so disabled was Entitled to have and Receive before such default made as Aforesaid And Shall upon his Appointment take the Said Oath hereby directed or be disabled in like manner as Aforesaid

AND as all due Encouragement should be given to direct Importations So a proper distinction ought to be made on Importations which may be attended with Frauds as the Case has too often happened BE IT THEREFORE Enacted by the Authority Aforesaid that instead of the Duty herein before laid on Slaves there shall be and hereby is given to his Majesty his Heirs and Successors a Duty of Five Pounds on every Slave upwards of Four years old that Shall be imported by Land in the County of Albany or in the County of Ulster or in Dutchess County during the Continuance of this Act under the Inspections Regulations and Restrictions herein After mentioned to Wit every Such Slave which Shall be imported by Land in any

of the said County's shall within three Days after the Same Shall be brought in the Limits of those County's respectively Shall be Reported by the Importer or Some other Person in his or her behalf in the Manner following that is to Say, In the County of Albany to the Mayor OF the City of Albany and in the Counties of Ulster and Dutchess to the respective Judges of the Inferior Courts thereof and Such Reporter Shall at the Same time Pay the Sum of Five Pounds for every Slave So Reported to the Person Receiving Such Report who is thereupon to give to him or her a Certificate under his hand and Seal in the form herein before prescribed that duty is paid by him or her for the Slave to be named and described therein and Such Certificate Shall be of the Same force and effect as those directed to be given by the Treasurer for the space of Sixty Days and no longer

AND BE IT ENACTED by the Authority Aforesaid that when payment of the Said Duty Shall be made in the Manner Above mentioned Such of the Said Persons who receive the Same are with all Convenient Expedition thereafter to give an account to the Treasurer when and by whom Such duty is paid and for what Slave describing the Same in Manner as Aforesaid and to Transmit therewith to the Said Treasurer the Sum of Four Pounds for every Slave So Reported to him and the remaining Twenty Shillings he may Retain for his trouble therein and the Said Treasurer is for every Slave he so Receives the Said Four Pounds of to send with the like Expedition to the persons who Remitted the money to him a Certificate for Such Slave under his hand in the form herein before prescribed which Certificate is to be Exchanged for that which was given in the County and the Latter to be Cancelled And such of the before named Persons as Shall omit or neglect to give Such account or make Such Remittance to the Treasurer as Aforesaid Shall forfeit the Sum of Ten Pounds for every Such Omission or Neglect

AND BE IT ENACTED by the Same Authority that all slaves imported by land into any of the County's Aforesaid as Shall not be Reported in the manner before mentioned and within the time hereby limited for that purpose Shall be forfeited and all the Said forfeitures Shall and may be recovered by any Person or Persons in any Court of Record one half whereof is to be paid to the Treasurer to and for his Majesty's Service and the



other half to him or them that Shall Sue for and Prosecute the Same to Effect.

AND BE IT ALWAYS PROVIDED and be it Enacted by the Authority Aforesaid that if any Purchaser of a Slave Shall by Fire or other Accident HAVE lost the Certificate hereby directed to be given by the Treasurer Shall prove by Credible Witnesses that they had Seen Such Purchaser to have had Such a Certificate then and in Such Case Such proof Shall be allowed to be of Equal force as the Certificate it Self would have been any thing herein Contained to the Contrary thereof Notwithstanding

AND be it Enacted by the Authority Aforesaid that all Wines to be imported in this Colony during the Continuance of this Act Shall be liable to pay full Duty if filled up on Board or on Shore whether they are Sound or otherwise But if the same are not filled up on Board or on Shore Ten per Cent out of the Said Duty is to be deducted out of the whole parcel which every Merchant or other Person Shall import in each Vessel Respectively PROVIDED NEVERTHELESS that if of any Such parcell of Wine it Shall Appear to the Treasurer by the Oath of the Master Mate or one of the Mariners of the Vessel Importing the Same that one or more Pipes or other Casks are staved or wholly leaked out no Duty shall be demanded or paid for the Pipe or Cask that Shall So appear to be Staved or Wholly leaked out and if of Such Person or Persons who have only one or Two Pipes or other Casks of Wine on Board of any particular Vessel one half part or more thereof Should happen to be leaked out Duty Shall be paid for so much only as may remain therein PROVIDED the Sworn Guager do first Certify to the Treasurer the real and net Contents thereof for which Certificate the Said Guager is to demand and receive from the Importer the Sum of Twelve pence and No More

AND WHEREAS it is Evident that the allowing a drawback on Wine Exported in time will very much Encourage the Importing a much larger Quantity of it than is Required for the Consumption of this Colony and as the Same is Cheifly purchased with the produce of this Country it is not less Evident that the More Wine is imported So it will Afford a greater Vent of our Country Produce Encrease our Trade and Navigation Enable the Merchants to Supply other parts when their Markets Encourage it and at the Same time rather Augment

than lessen the Amount of the duty now imposed on it BE IT THEREFORE Enacted by the Authority Aforesaid that if any of the Wines to be Imported in this Colony from the Commencement of this Act and during its Continuance Shall BONA FIDE be Exported to any place or places beyond Sea (the Colony's of Connecticut and New Jersey Excepted) within Six Months after their Importation there Shall be Drawn back out of the Duty paid or Secured to be paid for the Same the sum of Twenty Shillings for every Pipe of Wine filled up that Shall be so Exported under the Restrictions and Regulations herein After provided and directed

AND to prevent all manner of Fraud in the Said Drawback BE IT ENACTED by the Same Authority that before any Person or Persons Shall be Intitled thereto or have the benefit thereof the Wines intended for Exportation Shall be duly entered with the Treasurer before the Same are Shipped and at the Same time an Oath (or if a Quaker an Affirmation) is to be made before the Said Treasurer that all the Wines So entered for Exportation were imported in the                      Whereof                      was Master and that the Same were duly entered with the Treasurer of this Colony and Duty thereof Actually Paid or Secured to be paid on the                      Day of                      And the Exporter is to Swear or Affirm that the Wines Entered for Exportation are intended to be Transported beyond Sea Exclusive of the Colony's of Connecticut and New Jersey and are not intended to be Relanded in this Colony and that in Case he or She Shall thereafter know or suspect Such Wines to be Relanded or Intended to be Relanded in this Colony he or She Shall immediately give Notice thereof unto the Said Treasurer And in the first Blank Above is to be Incerted the Name of the Ship or Vessell in which Such Wines were imported in the Second Blank the Name of the Master of Such Ship or Vessell in the third the Day of the Month and in the last the Month and year

AND be it further Enacted by the Same Authority that when an Exporter of Wine Shall have proceeded in the Manner before directed and that Such Wine is Actually put on Board of the Vessel in which the Same is intended to be Exported Such Exporter is then to Make Oath (or an Affirmation if a Quaker) of the Exact Number of Filled up Pipes of Wine So put on Board by him or her as likewise of the Names of the Master the Vessell and of the Place or Port She is bound to After which



the said Treasurer is to put Such Oath or Affirmation on a file or enter in a Book as well for his own Justification as to be made use of if any indirect Practices Should be committed.

AND be it further Enacted by the Authority Aforesaid that if Wine for which the Said Drawback Shall be Allowed Should be Reimported the Importer thereof Shall duely enter the Same before the Landing thereof to the Treasurer and Pay Back to him within Ten Days after Such Importation the drawback which Shall have been Allowed for the Same at its Exportation but if Such Wine Should be Relanded in a Clandestine or Fraudulent Manner the same Shall be forfeited and if Such fraudulent Relanding Should be committed by the Person who had or was to have the Benefit of the Said Drawback thereof or by his or her order he or She Shall Moreover forfeit double the Value of Such Wine and the Said forfeitures Shall and may be Recovered in any Court of Record within this Colony by Bill Plaint or Information wherein no Essoyn Wager of Law or more than one Imparlanee Shall be Allowed One third of which forfeitures is to be paid to the Treasurer to and for his Majesties Service one other Third to the Lieutenant Governor or Commander in Chief for the time being and the Remaining third to the Person or Persons who Shall Sue for and prosecute the Same to effect and of all the Drawback which Shall by Virtue of this Act be Remitted or paid by the Treasurer he is to keep a Particular account and to render the Same on oath as his other accounts are herein After directed to be rendered by him.

AND be it further Enacted by the Authority Aforesaid that the duty hereby imposed on Rum Brandy or other distilled Liquors as likewise on Shrub or any other Liquors of which the greater part is distilled Liquors imported in the City of New York during the Continuance of this Act Shall be Calculated from the Accounts which the Said Guager Shall render to the Treasurer of the Net Contents thereof and the Said Guager is hereby obliged and Required to deliver Such Accounts to the Said Treasurer from time to time Mentioning the Names of the Vessell Master and Importer of Such Liquors within fourteen days next after he Shall have Guaged the Respective parcels thereof and in Such Guaging he is to do Justice between the King and the Importer according to the best of his Skill and understanding

AND WHEREAS Masters or Commanders often Have Remains of Wine Rum or other distilled Liquors left of their Sea

Store when they Arive in this Port which ought to be duty free if the Quantity is but Small BE IT ENACTED by the Same Authority that if Such remaining Sea Store doth not Exceed the Quantity of Ten Gallons of Wine or Ten Gallons of Rum or other Distilled Liquors the Same Shall pass free of Duty But for what Such Stores exceed the Said Quantity's Duty Shall be paid According to this Act

AND be it further Enacted by the Authority Aforesaid that all Persons Importing Cocoa during the Continuance of this Act Shall enter the Same with the Treasurer of this Colony before its being landed and at the same time Produce unto him the Invoice or Invoices thereof And if the same doth thereby Appear to be in English Weight the Tare of the Cask or thing Containing it is only to be deducted but if it So appears to be in Dutch Weight the Tare of the thing containing it is first to be deducted and of the Remainder duty is to be Paid for every one hundred and four Pounds Dutch Weight as on one Hundred and Twelve Pounds and in that Proportion for a greater or lesser Quantity and all Such Parcell and parcels of Cocoa whereof no Invoice or Invoices is or are Produced are to be Weighed at the sole Charge of the Importer or the Person Entering the Same and Where Invoices are produced the person producing the Same is to Make Oath (or Affirmation if a Quaker) to the said Treasurer that Such Invoice is real and true to the best of his Knowledge and belief otherwise the Cocoa is to be Weighed at the Sole Charge of the Person importing or entering the Same in Manner aforesaid

AND be it Enacted by the Authority Aforesaid that of all European or East India Goods to be imported during the Continuance of this Act from the British Islands in the West Indies the Importer or Person Entering the Same Shall in their respective Entries thereof to the Treasurer Set down and Mention the Prime Cost of Such Goods and make Oath (or Affirmation if a Quaker) that Such Value is according to the Invoice thereof Sent to him or her or brought by him or her from the Island or Islands Such Goods came and that he or She believes that Such Invoice is Real and True and if no Such Invoice is produced or that any disputes Should Arise concerning Such Value the Treasurer is to Nominate and appoint one Credible Merchant and the Importer another who are to Appraise Such Goods to the best of their Judgments and



according to Such Appraisement which is to be at the Sole charge of the Importer the real value of Such goods is to be Ascertained

AND for the Effectual Securing the payment of the several duties imposed by this Act BE IT ENACTED by the Authority Aforesaid that the Master Mate or Purser of every Ship or other Vessell which Shall during the Continuance of this Act come into any Port Creek or Harbour within this Colony to Trade or Traffick Shall not only Make Report to his Majestys Collector or his Deputy according to Law but Shall likewise if any Dutiable Goods are found repair to the Treasurer of this Colony within Forty Eight hours after his Arrival in the Port of New York and make to him a full and true Report of all and every Parcel or Parcels of the Several Goods and Commodity's whereon a duty is laid by this Act which were on Board of Such Ship or Vessel at her Arrival in this Colony and to deliver an exact and true manifest thereof under his hand to the Said Treasurer mentioning therein the Quantities of Such Dutiable Goods and the name and names of the person and Persons to whom the same belong or are Consigned and at the Same time to take the following Oath (or Affirmation if a Quaker) to wit, I        of the        called the        do Swear (or affirm) that this manifest is true and that no more or other Slaves Wine Rum or other distilled Liquors Shrub Cocoa or Dutiable Dry Goods were on Board of the Said Vessel when She Arrived within this Colony than those Mentioned in this Manifest in which first Blank is to be put the Name of the Person Swearing or Affirming and whether he is Master Mate or Purser in the Second the Nature of the Vessel whether Ship Snow Brigantine Schooner &c. and in the third the Name of the Vessel and to add thereto the Name of the place She came last from

AND to the End Vessels bound or Intended for this Colony which have on Board Wine or Rum Consigned to other Colony's may not be discouraged from coming directly hither BE IT ENACTED by the Same Authority that whenever the Case Shall so happen the Person making Report and delivering a manifest in the manner before Mentioned of all the Dutiable Goods brought by Such Vessel into this Colony he is to Mention therein distinctly the Quantity of Wine and Rum bound elsewhere together with the Name or Names of the Person or Persons as Also the place or places the Same belong or are Consigned

to and to add to the oath or affirmation before Mentioned (Videlicet) And I do further Swear or Affirm for the goods Mentioned in this Manifest to be bound Elsewhere I actually Signed BILLS of Lading for that purpose at the place they were taken on Board And the Wine and Rum So Sworn to Shall and may be Carried to the place they are Consigned to either in the Same Vessel or in another PROVIDED the Exporter do first Swear or Affirm before the Treasurer That Such Liquors are not designed or intended to be landed or brought Back into this Colony And all Wine and Rum so Reported Sworn to and Exported as Aforesaid Shall be free of the duty imposed by this Act any thing therein to the Contrary Notwithstanding

AND be it further Enacted by the Authority Aforesaid that all Masters or Commanders of Vessels coming into this Colony to Trade or Traffick who Shall omit or neglect to make Such Report and take Such oath or Affirmation as Aforesaid to and before the Said Treasurer within the time before mentioned for that purpose or Shall Land or put on Shore within the limits of this Colony any of the before mentioned dutiable goods (except Slaves Attending on their Master or Mistresses) he and they so offending Shall forfeit the Sum of One Hundred Pounds Current money of this Colony one third thereof to and for his Majesty's Service one other third to the Lieutenant Governor or Commander in Chief for the time being And the Remaining third to the Person or Person who shall sue for and Prosecute the Same to effect by Bill Plaint or Information in any Court within this Colony Provided that Such Seit or Suits Shall be brought within Six Months Next after the offence is Committed and at no time thereafter.

AND be it Enacted by the Same Authority that if any Merchant Factor or other Person Shall Land or put on Shore any of the before mentioned Dutiable goods before he or they have duely entered the Same with the Treasurer and Paid or Secured the Payment of the duty thereof to him according to this Act all Such Dutiable goods So landed or put on Shore (except Slaves Attending on their Masters and Mistresses) Shall be forfeited recovered Applied and divided in the Manner before Mentioned

AND be it further Enacted by the Authority Aforesaid that after Report and Entry is made in the Manner before Mentioned of any Ship or other Vessel Coming to Trade or unload in this



Colony every Merchant Factor or other Person having dutiable goods on Board such Vessel or Some other Person IN his or their behalf Shall make Particular Entry of such Goods to the Treasurer and at the Same time Pay unto him the duty's thereof if the same do not exceed the Sum of Ten Pounds And if Such Duties Exceed the Said Sum he she or they So Entering or Owning Such goods Shall well and Sufficiently Secure the Payment thereof within three Months after the date of the Entry of such Goods by Bond or Bill at the discretion of the Said Treasurer who is thereupon to give gratis to the Person So Paying or so securing the Payment of Such Duties a Certificate to the Land and Tide waiter for the time being that duty's are paid or Secured to be paid according to this Act for the goods to be Mentioned in Such Certificate and thereupon Such Goods Shall and may be landed and housed without any Manner of Hindrance or obstruction.

AND be it also Enacted by the Same Authority that for the Recovery of Such of the duties imposed by this Act as Shall not be Paid within three Months after the Entry thereof the Said Treasurer Shall be and hereby is fully Authorized and Impowered to Cause Process to be Issued Against all and every Person and Persons who Shall Stand Indebted for duties longer than the three Months allowed for the Payment thereof And the Said Treasurer is hereby further Authorized and impowered to cause the like Process to be Issued Against all and every Person and Persons who owe any Duty's or Arrears of Duty arisen, by Virtue as well of the Act Entituled An Act for and towards Supporting the Government of this Colony by granting to his Majesty the duty's therein mentioned from the first day of December One thousand Seven hundred and Forty to the first Day of December One thousand Seven Hundred and Forty one (which Act Stands continued to the first day of January Next) as of any former Act or Acts by which duty's have been imposed for the Support of this Government notwithstanding those Acts are Expired by their own Limitation And for this purpose Such parts only of the Said Expired Acts as are Requisite to Recover the Debts and Arrears Aforesaid are hereby declared to be of full force and in those Cases all Courts within this Colony in which Suits Shall be brought for Such Duties or Arrears of Duty's as Aforesaid Shall Allow the Entries of Importers with the Treasurer good and Sufficient Evidence in

AND be it further Enacted by the Authority Aforesaid that if the Said Treasurer Shall not cause Process to be made for any duty's to Arise by Virtue of this Act at the End of the Three Months hereby limited for the payment thereof Such duties and the Arrears thereof as he shall So omit to Sue for Shall be deemed as Assets in his Hands and he Shall in Such Case be Answerable for the Same Accordingly

AND to the End the Said Treasurer may not be left Remediless in the case Above Mentioned BE IT ENACTED by the Same Authority that he Shall be and hereby is fully Authorized and impowered to Commence and prosecute Suits in his Majesties Name but at his own Costs and Charges for Such part of the above mentioned dutys as by the foregoing Clause he is made Answerable for

AND for the better Inspection of the Said Duty's in the Port of New York BE IT ENACTED by the Authority Aforesaid that during the Continuance of this Act all Masters of Vessels who have Dutiable goods on Board and Report the Same to the Treasurer Shall acquaint the Land and Tide Waiter at which of the Wharfs or Usual landing places he intends to put Such Goods Ashore and Such Master as Shall presume to land them at any other place (unless by permission of Such Officer) Shall forfeit tho' the goods were duely entered the Sum of Five Pounds to be Recovered before any Two Justices of the Peace who are hereby impowered to hear and determine the Same One half of which forfeiture to be paid to the Treasurer for his Majesty's Service and the other half to the Officer who Shall Sue for and Recover the Same PROVIDED Nevertheless that Slaves may be landed at any other place as Soon as the Master has made Report thereof in Manner as Aforesaid

AND for the End before Mentioned BE IT ENACTED by the Same Authority that the Present Land and Tide Water of the Land and Tide Waiter for the time being Shall be and hereby is Vested with all proper powers to Execute the office of a Land and Tidewaiter And is Strictly Charged and Required diligently and Constantly to attend and perform that Service in the best Manner he is able according to the directions and true Meaning of this Act AS well for preventing Frauds and Abuses in the Duties hereby imposed as to give no unnecessary delay to



Merchants or Masters of Vessels in the dispatch of their Business

AND to the End Trade and Navigation may meet with all reasonable dispatch BE IT ENACTED by the Authority Aforesaid that the Treasurer of this Colony Shall be and hereby is fully Authorized impowered and Required to Administer all and every the Oaths and Affirmations by this Act directed to be taken by Masters Mates or Pursers of Vessels and by Merchants and importers of Dutiable goods for administring of which no Fee or Reward is to be taken

AND BE IT PROVIDED and Enacted by the Same Authority that if any of the goods hereby made dutiable and for which Duty has been Actually paid Should be Exported out of this Colony and afterwards returned to and Reimported within the Same Such goods Shall be free from Paying a Second Duty PROVIDED an Oath (or Affirmation if a Quaker) be made before the Treasurer that the Duty has been actually Paid for such goods the time when and in What Vessel and from what place the Same were first Imported into this Colony

AND that the duty's imposed by this Act May be Secured and received in the County of Suffolk BE IT ENACTED by the Authority Aforesaid that Isaac Hubbard Esquire the Present Officer of the Colony duty's in the Said County and in Case of his Death or Removal Such other Fit and Discreet Person Residing in the Town of Southold or Shelter Island as Shall be commissioned by the Lieutenant Governor or Commander in chief for the time being with the Approbation of the Council Shall be and hereby is fully Authorized impowered directed and Required to inspect and manage the Duties imposed by this Act and to Secure and Receive the Same for all the dutiable goods and Merchandizes that Shall be imported in the Said County of Suffolk and the district thereof during the Continuance of this Act and of all the dutys to arise thereby he is to keep Exact Books And every Six months he is to Transmit true accounts thereof upon Oath to the Treasurer of this Colony together with all and every the Sum and Sums of Money which he Shall receive by Means of the Said Duty And a Receipt thereof from the Said Treasurer Shall be to him a Sufficient discharge for So much as Shall therein be mentioned to be Received

AND be it Enacted by the Same Authority that in all matters relating to the Said Duty's in the County of Suffolk the before mentioned Officer Shall in every Respect and to all Intents and Purposes whatever have the Same Power and Authority and do Perform and Execute all and Singular the Powers Duties and Functions in the Said County as in this Act is given to and Required from the Treasurer and Land and Tidewaiter in New York in as full and ample Manner to all Intents constructions and purposes Whatever as if the Same Powers Duty's and Functions were Expressly herein given to him directly and he is hereby required to Act Accordingly And for Slaves whereof the duty Shall be paid to him he shall and may give and Sign Certificates in the Same Form herein before Prescribed which Shall be of the Same use and Effect as those herein directed to be given and Signed by the Treasurer and he Shall be Allowed the like Fee for the Same

AND BE IT LIKEWISE ENACTED by the Authority Aforesaid that all Masters Mates or Pursers coming to Trade or Traffick in the Said County of Suffolk and all Merchants Factors and all other Persons whether Acting for themselves or for others and likewise all the dutiable Goods that may come to or be landed in the Said County during the continuance of this Act Shall be subject and liable to all the Rules Regulations and Injunctions and liable to the Same Fines Penalty's and Forfeitures as are hereinbefore Mentioned for the Port of New York as well under the Management of the Treasurer as under the Inspection of the Land and Tidewaiter as fully Amply and effectually to all Intents Constructions and purposes whatever as if those Several Matters were at large inserted in this Clause

AND be it Enacted by the Same Authority that all Persons importing (during the continuance of this Act) any Rum Brandy or other distilled Liquors as likewise Shrub or other mix'd Liquors whereof the greater part is distilled Spirits in the district or County of Suffolk Shall enter the Same with the officer thereof before their being landed and at the Same time produce to him the Original Invoice or Invoices thereof and make Oath before him that Such Invoice is real and true according to the best of his or her Knowledge and in this Case the Quantity of Gallons is to be Ascertained accordingly and if the Casks are



not filled up on board of the Vessel importing the same or on Shore the following Deduction is to be allowed out of the Said Invoices that is to Say on Such liquors from the West Indies Five per Cent and from the Neighbouring Colonys three per Cent And the Net Quantity of Gallons is to be Ascertained accordingly But if the Casks are filled in Manner Aforesaid then the full Quantity is to pay the Duty imposed by this Act And if no Such Invoice is produced and Sworn to as Aforesaid the Casks are to be Guaged at the Charge of the Importer by a fit person to be Appointed and named by the Said officer of the District Aforesaid and the Net Quantity of Gallons is in this Case to be Ascertained Accordingly any thing herein before to the Contrary Notwithstanding

AND be it Enacted by the Same Authority that if (during the Continuance of this Act) another Officer of the Colony Duty in Suffolk County or another Land and Tidewater in the Port of New York be appointed they Shall Severally take the usual oaths of Such officers before they take upon themselves the Execution of their Respective offices

AND be it also Enacted by the Same Authority that all Fines Penalties and Forfeitures which may happen to become due in the Said County (during the Continuance of this Act) Shall be recovered applyed and Divided in the manner hereina before directed Provided that all dutiable Goods which Shall be carried to the Said County from the Port of New York and of which the duty has been paid there Shall not be liable to Pay duty in the Said County

AND be it further Enacted by the Authority Aforesaid that it Shall be lawfull to and for the Said officer in Suffolk County to Retain in his hands the Sum of One Shilling and Six pence on every Pound which he Shall Receive by Virtue of this Act and pay unto the Treasurer in pursuance thereof as a reward for the several services hereby required to be performed by him

AND WHEREAS the Business of the Treasury requires a Constant Attendance in the City of New York for the dispatch of Masters of Vessels as well as of Merchants and other Persons BE IT ENACTED by the Authority Aforesaid that whenever the Treasurer Should happen to be Indisposed or out of Town it Shall and May be Lawfull for him from time to time to Constitute a fit Deputy under him who thereupon Shall have the same Powers to Transact the Affairs of the Treasury AS are

herely given to the Treasurer himself ALWAYS PROVIDED that he Shall be Answerable and Accountable for all and every Act done by Virtue of Such deputation in the Same manner as if Such act was done by himself

AND be it Enacted by the same Authority that all the money to arise by Virtue of this Act Shall remain in the Treasury untill the same shall be applied and disposed of by Act or Acts of the Lieutenant Governor or Commander in cheif for the time being the Council and the General Assembly to be passed for that purpose in this present Session or in any other Session or Sessions thereafter and if any part of the Said Money Shall be issued in any other Manner it Shall be deemed a Misapplication and the Said Treasurer Shall be accountable and Answerable for the Same any Warrant Mandate or order Notwithstanding.

AND be it Enacted by the Authority Aforesaid that of all and every Sum and Sums of Money which the Said Treasurer Shall Receive and Pay by Virtue of this Act he shall keep Exact and distinct Books and Render true Accounts thereof upon Oath to the Lieutenant Governor or Commander in Cheif for the time being to the Council or to the General Assembly when by them or any of them thereunto required.

[CHAPTER 949.]

[Chapter 949 of Van Schaack, where the title only is printed. Chapter 23 (vol 2) of Livingston & Smith, where the act is printed in full. Revived by chapter 1124.]

An Act further to Impower the Justices of the Peace in the County of Albany living and dwelling in the Town of Schenectady in the Said County to drain the Water out of the Streets thereof

[Passed, December 12, 1753.]

WHEREAS by reason of the Scituation of the Town of Schenectady the Streets thereof are very often Muddy and Watery And So made difficult to pass And in the Acts Made for Regulating the Streets and Highways in the County of Albany no Sufficient Provision is made to Remove the Inconveniency's Aforesaid Wherefore to Remedy the Same

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted



by the Authority of the Same that the Justices of the Peace of the County of Albany living and dwelling within the Township of Schenectady or the Major part of them are hereby Impowered and Authorized from and After the Publication of this Act to order and direct all and every the Inhabitants of the Said Township to make Gutters or Drains from the Said Streets of Such length and Breadth as may be Sufficient to Drain the Water out of the Same and as the Said Justices in their discretion Shall think Meet PROVIDED no person be obliged to work more than Six Days in each Year during the Continuance of this Act And if any Person or Persons Inhabitants of the Said Township Shall Refuse Neglect or delay to yeild Obedience to the orders and directions of the Said Justices in that behalf every Such Person and Persons Shall forfeit the Sum of three Shillings for every Days disobedience Refusal neglect or delay to be Recovered before any of his Majesties Justices of the Peace Aforesaid and to be Applied to and for the defraying the Necessary Charges of the said Township

PROVIDED and be it Enacted that Nothing in this Act Contained Shall Extend or be Construed to Impower the Justices Aforesaid to order and direct any Gutters or Drains to be made through or on any particular Person or Persons Land without the Consent of the Owner or owners thereof or Paying to him her or them the true Value of the Same together with the damage he She or they may Sustain by Reason Aforesaid And if any dispute SHOULD arise by that means the Same Shall be determined and the true Value of the Land So made into Gutters or Drains and the damages as Aforesaid Set and Appraised by two Justices of the Peace of the said County living in the said Township and by the Oaths of Three Freeholders of the Same not having any Interest in the Land about which Such dispute may arise the Said Freeholders to be Summoned by the Constable by Virtue of a Warrant from the Said two Justices for that purpose and the Inhabitants Aforesaid Shall defray the whole Charges of the Value of the Land Damages and Costs respecting the Same Which Shall be Raised levied and Collected in the Same Manner as the other Necessary and Contingent Charges of the Said Township are

AND be it Enacted by the Authority Aforesaid that this Act Shall be of Force from the Publication hereof untill the first day of January which will be in the Year One thousand Seven Hundred and Sixty,

[CHAPTER 950.]

[Chapter 950 of Van Schaack, and chapter 29 (vol. 2) of Livingston & Smith, where the title only is printed. Van Schaack and Livingston & Smith, state that this act was confirmed by the king February 25, 1755.]

AN Act to Enable the Minister Elders and Deacons of the Reformed Protestant Dutch Church of the City of New York to Sell and dispose of their Lands Tenements and Hereditaments in the County of Westchester commonly called and Known by the name of the Manor of Fordham and also for granting unto them Some Further liberties and Privileges for the better Management of their Affairs and the well ordering or Governing of their Said Church.

[Passed, December 12, 1753.]

WHEREAS in the Articles of Surrender of this Colony by the Dutch in the Year of our Lord One thousand Six hundred and Sixty four it was Stipulated Consented and agreed unto among other things that the Dutch here Should Enjoy the liberties of their Consciences in Divine Worship and Discipline and their own Customes Concerning their Inheritances and Whereas Cornelius Steenwyck late of the City of New York Merchant Deceased with Margarita his Wife for the disposal of their Temporal Estates did According to the Usage and Customs of the Infancy of those times here used Make their last Will and Testament in the Dutch Language under their hands and Seals bearing date the Twentieth day of November One thousand Six hundred and Eighty four and after the usual preamble then also used in Wills They did among other things Will and Express themselves to the following purport and Effect (Videlicet) We the Said Testators do declare that our Earnest Will and last desire is that the General Inheritance of us the Said Testators and betwixt our Heirs Shall be Regulated after the Form Manner Custom and Practice of the Nether Dutch Nation and According to the Articles Made upon the Surrendering of this Place And I the Said Testator do hereby further declare that I the said Testator with the free consent of my Said Wife by form of Prelegacy have given granted and Legacy'd as I the Said Testator by form of Legacy do Give and Grant by these



Presents for and to the proper use and behoof of the Nether Dutch Reformed Congregation within the City of New York for the Support and Maintainancy of their Minister ordained According to the Church orders of the Netherlands now at present here in being or hereafter To be Called Ordained or to come all the Said Testators Right property Title and Hereditament in and to the Manor of Fordham lying in the County of Westchester together with all the Lands Meadows Fields Woods Lands Creeks Rivelets and other Waters As also all the Said Testators Jurisdiction Right Title Action and Property in and to the Said Manor of Fordham with all the Patents Deeds Ceduls Hipoteeks Mortgages and other Instruments of Writing to the Said Manor of Fordham belonging or in any wise Appertaining in as full and Ample Manner as the Said Manor of Fordham now already in Propriety is belonging or hereafter More Amply Shall be confirmed unto the Said Testator by Deed Conveyance Transport Hipoteek Mortgage Judgment or otherwise from or by any Manner of Way or means of John Archer deceased last owner and Proprietor of the Said Manor of Fordham And I the Said Testator do further order and declare as my last Will and Testament that the Said Manor of Fordham together with all the benefits Profits Incomes Advantages Rents and Revenues and all the Appurtenances thereof Shall be Conveyed Transported and Made over in a free Quiet and full property and Enjoyment by the Testators appointed Executrix within the Space of Six Months after the Testators decease or upon Lawfull demand to the Elders or overseers of the Said Nether Dutch Congregation for the proper use and behoof of the Minister of the Said Congregation as herebefore more at large is Exprest and Set forth for to be held in full propriety Possession and Enjoyment Inheritably and for ever by the Said Elders or overseers at the time of the Testators decease in being and all others that from time to time Shall Succeed in their places to the End and use as Aforesaid without any the least ninderance let or Contradiction of any Person or Persons whatsoever PROVIDED ALWAYS that none of the Lands of the Said Manor may be made away Alienated Contrary to the Tenor of these Presents or otherwise disposed of but from thenceforth for ever be and remain as Lands of Inheritance towards the Support and Maintainancy of the Minister of the Said Congregation as before is Exprest and Recited and Not otherwise

and finally I the Said Testator do hereby declare that I have Nominated Appointed and Authorized my Afore mentioned Dear and loving Wife Margarita Riemers to be my only and Lawfull Executrix of this my last Will and Testament giving and granting by these Presents UNTO my Said Wife as full and ample power and authority as all other Executors by Law have and do Enjoy as in and by an English Translated Copy thereof And the Said original Dutch Will in the hands and Custody of the Said Minister Elders and Deacons fully and at large Appears Soon after the Making of Which Will the Said Cornelius Steenwyck Died so Seized and Possessed of the Said Manor as Aforesaid AND WHEREAS Soon after the Death of the Said Cornelius Steenwyck John Archer the Younger Son and Heir of the Said John Archer the first Grantee of the Said Manor by his Certain Indenture under his hand and Seal Bearing date the sixteenth day of October One thousand Six hundred and Eighty five for the Consideration therein Mentioned did Grant Release & Convey the Said Manor of Fordham and all his Estate Right and Title of in and to the Same and the Equity of Redemption thereof and all Deeds unto the Aforesaid Margarita Steenwyck the Wife of the Aforementioned Cornelius Steenwyck and made Livery and Seizin thereof as by the Original Deed in the hands and Custody of the Said Minister Elders and Deacons And the Record thereof in the County of Westchester Appears AND WHEREAS the Said Margarita Steenwyck Afterwards Inter-married with Domini Henricus Solyns Which Said Henricus Solyns and Margarita his Wife formerly Margarita Steenwyck by their certain Deed Poll under their hands and Seals bearing date the first day of January One thousand Six hundred and Ninety four Reciting the Will of the Aforesaid Cornelius Steenwyck and that the Said Margarita was Executrix thereof Did Grant Resign and Convey in full and free property to the Worthy Gentlemen Colonel Nicholas Bayard Captain Isaac Van Nlecque Jacob Boelen Roelossen and John Harpendinch the then Elders and overseers of the Nether Dutch Church within the City of New York Aforesaid and to their Lawfull Successors or heirs and Posterity the Said Manor of Fordham Lying in the County of Westchester Above mentioned with all the Lands Meadows Fields Woods Rivelets Creeks and other Rivers together with all the Right Title property Jurisdiction and Interest which either the Aforesaid Cornelius Steenwyck or the Said



Grantors either for themselves or in Quality as before in any Manner of Ways before that time had to the Said Manor of Fordham and its Appurtenances whether it be by right from the Said John Archer or from his Son and Heir John Archer JUNIOR to be held and for ever Enjoyed used Possessed and held in full and Absolute property as an Hereditary Estate by the Said Elders and overseers of the Aforesaid Congregation who were then in being or thereafter Should from time to time become and be in being with All Profits Incomes benefits and Revenues for the better Support and Maintenance of the Said Minister Called Pursuant to the orders of the Church of Netherland then present or that Should thereafter be Called and come PROVIDED and with the Aforesaid Condition and Stipulation that the Said Manor with its Appurtenances Should in No wise be Alienated Nor Estranged Contrary to the Tenor of the Aforementioned Will and bequest But Should remain to the use and behoof Aforesaid and not otherwise Releasing therefore by the Said Deed all property Title Estate and Right that the Said Grantors as Well for themselves or in Quality as Above heretofore had to the Said Manor and its Appurtenances or then could or ought to have in any Manner of Ways Whatsoever as by the Said Indenture in the hands and Custody of the Said Minister Elders and Deacons fully Appears By Means whereof the Said Nicholas Bayard and the Rest of the then present Elders of the Said Dutch Church became Seized and possessed of the premises Aforesaid in Trust to the uses and purposes Aforesaid AND WHEREAS his late Majesty King William the Third of Glorious Memory by his Charter or Letters Patent under the great Seal of the Province of New York bearing date the Eleventh day of May in the Year of our Lord One thousand Six hundred and Ninety Six therein Reciting that his Said Majesty had been informed by the Humble Petition of his loving Subjects the then Minister Elders and Deacons of the Dutch Protestant Congregation in the City of New York presented to his Said Majesties then Governor in Council Setting forth that they and the Members of their Said Congregation had at their own charge Built and Erected a Church within the City of New York and the Same together with the Cemetery or Churchyard thereunto Adjoyning had Dedicated to the Service of God and that they were among other things Seized in their Demense as of fee in Right of their Said Church of and in the

Said Church and divers Messuages Buildings Lands Tenements and Hereditaments and Also of and in a Certain Manor commonly called and known by the Name of the Manor of Fordham lying and being in the County of Westchester to the Eastward of Harlem River near unto Kings Bridge as ALSO of and in a Certain parcell of Meadow Number one Scituate lying and being on Said Harlem River near the Said Manor of Fordham beginning in the Middle of a point to the North of Cregiers house beyond or Above the Small Cove that lies Above the Said House and Southwest in Harlem River and Extends further Northward to the High Way where the Wooden Bridge lies and that in their Said Petition they Prayed his Said Majesty's Grant and Confirmation of all and every the premises and that he would be Graciously pleased to make them and their Successors for ever Capable in the law to hold and Enjoy the Same by Incorporating them And that in Consideration thereof his Said Majesty as well being Willing in Particular favour to their Pious purposes and to Secure them and their Successors in the free Exercise and Enjoyment of all their Civil and Religious Rights and to preserve them and their Successors that liberty of Worshipping God according to the Constitutions and directions of the Reformed Churches in Holland approved and Instituted by the National Synod of Dort did thereby Incorporate them and grant unto them and their Successors free liberty of holding and Enjoying the premises Exercising their Said Religion and Manner of Worship And Also power to have take possess Acquire and Purchase Lands Tenements and Hereditaments or any Goods or Chattles and the Same to Lease Grant Demise Alien Bargain Sell and dispose of at their own Will and Pleasure as other his Majesty's leige People or any other Corporation or Body Politick within the Realm of England or this Province of New York may lawfully do over and Above the Rents Lands Tenements Messuages Manors and Hereditaments thereby Settled on the Said Corporation and their Successors not Exceeding the yearly Value of Two Hundred Pounds Current Money of New York and for the better ordering and Well managing the Affairs of their Said Corporation there Should be Four Elders and Four Deacons from time to time Constituted Elected and Chosen out of the Members of the Said Dutch Church Inhabiting within the City of New York for the time being in such Manner and form as is therein Mentioned As in



and by the Said in part Recited Charter or Letters Patent the Original of which is Now in the hands and Custody of the Said Minister Elders and Deacons And it is Also Remaining of Record in the Secratarys office of the Province of New York By Means whereof and of all AND Singular the premises Aforesaid the Said Minister Elders and Deacons became Seized and Possessed of the Said Manor and Premises and have Accordingly held used and possessed the Same and as yet do And by Virtue thereof hold and Enjoy the Same and Receive and take the Rents Issues and Profits thereof Accordingly AND WHEREAS the Congregation of the Said Reformed Protestant Dutch Church is now and for many Years past hath been greatly Increased and become Vastly Numerous insomuch that they have been Obliged to Build one other large Church in the City of New York which is Commonly Called and Known by the Name of the New Dutch Church by means whereof they have been obliged to Retain and keep a greater Number of Ministers Generally three and Some times four to perform Divine Service in their Said Churches and to be at a further Considerable Expence in Retaining other Officers as Clerks Sextons and otherwise So that their Annual Expences is now Very Considerably Increased AND WHEREAS the Said Manor hath been a Continual Charge and Expence and the annual Rents and Incomes thereof are but Inconsiderable and have fallen greatly Short in Answering the Ends proposed thereout to Support the Ministers of the Said Churches And Whereas it is Conceived that the Value of the Lands and Farmes of the Said Manor will from the Continual Waste of the Timber and impoverishing the Groud by the Tenants who have but Small Farmes rather Diminish than Increase in Value and that if the Same Could be Sold the Moneys Arising by Such Sale could be disposed of in Purchasing and improving other Lands and Real Estate for the use and benefit of the Said Church which would much better answer the Pious designs of the Donor towards providing for a Maintenance for the Ministers of the Said Church But Some Doubt and dispute having arisen about the Construction of the Will of the Said Cornelius Saenwyck and the Several mesne Conveyance as Aforesaid under the Same whether the Said Ministers Elders and Deacons are fully Vested with and can legally Sell and dispose of the Same without the aid of an Act for that purpose Therefore to Avoid all doubts

and Scruples of that Nature they have by their humble Petition to the General Assembly Prayed leave to bring in a Bill to Enable them to Sell and dispose of their Said Manor and other the purposes therein Mentioned AND WHEREAS proof hath been made before his Honour the Lieutenant Governour in Council and Entered in the Council Book that Publick Notifications of the Said Petitioners intentions to Apply for this Act have been Made in the Parish of Westchester where the premises lie for three Sundays and More Successively before the Presentation of their Said Petition Pursuant to his Majesty's Royal Instructions for that purpose AND WHEREAS the Said Dutch Church was one of the first and upon the Surrender of the Government the only National Church in the Province and the Congregation thereof have Always distinguished themselves as Dutifull and loyal Subjects to his Majesty and Lived peacefully and paid due Submission to the Government and the laws of the Province and being one of the Most Considerable Congregations here The General Assembly Conceive it highly Reasonable to give them all Suitable Encouragement in the premises and in the Secure Enjoyment of all their Religious Rights and Privileges

BE IT THEREFORE Enacted by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that from and After the Publication hereof it Shall and may be lawfull to and for the Ministers Elders and Deacons of the Reformed Protestant Dutch Church of the City of New York or their Successors to Grant Bargain and Sell the Said Lands Tenements and premises called the Manor of Fordham in the County of Westchester herein before particularly Mentioned with the Meadows Hereditaments and Appurtenances thereunto belonging either in particular Parcells or altogether to any Person or Persons whatsoever and to and for Such Sum or Sums of Money as they Shall think proper and Agree for either at publick or private Sale or Sales and upon Such Sale or Sales to Make Give and Execute to the Purchasor or Purchasors thereof good and Sufficient Deeds and Conveyances in the Law under their Corporation Seal Which Sale and Sales So to be made is and Shall be deemed and Adjudged good and effectual in the Law to all Intents Constructions and Purposes Whatsoever and as if the Same had been Actually Vested in them and if they were Actually Seized of and in the Said Manor of an Absolute Estate in fee Simple



or Inheritance by Virtue of the Will of the Aforesaid Cornelius Steenwyck or the HEREIN before Mentioned Deed from the Said Henricus Solyns and Margarita his Wife to the Said Colonel Nicholas Bayard Captain Isaac Van Vlecque Jacob Doelen Roelossen and John Harperdinch or either of them or by any other ways or Means Whatsoever and as if the Same had Never been Appropriated by the Said Cornelius Steenwyck and Margarita his Wife or either of them to any other use or purpose which Lands So Sold and every or any part or Parcell thereof Shall be and Remain to the Purchasor and Purchasors thereof and to his her or their Heirs and Assigns for Ever

AND be it further Enacted by the Authority Aforesaid that the Moneys arising by such Sale and Sales Shall not be disposed of to any Secular use but the Same Shall be Expended and used in Purchasing or improving Lands and other Real Estate in order to Secure a better and more larger Annual Revenue or income towards Supporting and Maintaining of the Said Dutch Minister or Ministers of the Said Dutch Churches and Congregations as near as may be Agreeable to the Will and Intention of the Said Cornelius Steenwyck

AND to the end the Said Minister Elders and Deacons may be Secure in the free Enjoyment of their Religious Rights and Privileges and be the better Enabled to Manage the Affairs and Business of their Several Churches and Congregations BE IT FURTHER ENACTED By the Authority Aforesaid that the herein before Mentioned Charter or Letters Patent of Incorporation so as Aforesaid Made and given unto them by his late Majesty King William the third and Every Article Matter Clause Powers Privileges and things therein contained are hereby Enacted Given Granted Approved Ratified and Confirmed according to the true Intent and Meaning thereof and the words therein contained and that as fully Amply and Effectually as if the Same were herein Repeated and that the Said Ministers Elders and Deacons Shall by Virtue thereof have the care Management and Inspection of both the Said Churches and Such others as they may hereafter think proper to Build and provide for the Ministers and Officers thereof and have full Power and Authority for the due and Regular Ordering and Managing the Affairs of their Said Churches on the days and TIMES of Election appointed by their Charter and according to their usual Custom and Practice to Elect Chuse and appoint

Such a further and greater Number of Elders Deacons and other officers as Shall be necessary Needful and Convenient for the purpose which Same Elders and Deacons or other officers So to be Elected Chosen and Appointed from time to time are hereby Added to and declared to be part of the Said Body Politick and Shall have full power and Authority to Act in their Respective Stations in Conjunction with them as if they had been Particularly Named and Appointed in and by the Said Charter or Letters Patent of Incorporation which they are to Observe and Govern themselves by according to the true Intent and Meaning hereof

AND be it further Enacted by the Authority Aforesaid That over and Above the Sum or yearly Rent of Two hundred Pounds per Annum Mentioned in the Said Charter or Letters Patent of Incorporation that the Said Ministers Elders and Deacons of the Reformed Protestant Dutch Church of the City of New York and their Successors for ever by the Name Afore said from henceforward for ever have and Shall have full power and Right and Lawfull Authority to have Take Receive Acquire and Purchase and use and Enjoy Lands Tenements and Hereditaments Goods and Chattles and to Demise Lease and improve the Said Lands Tenements and Hereditaments and use and improve Such Goods and Chattles to the benefit of the said Church and other Pious uses Not Exceeding One Thousand Pounds Sterling Yearly Rent or Income any Law Usage or Custom to the Contrary hereof in any Wise Notwithstanding And it Shall and may be Lawfull for the Said Minister Elders and Deacons and their Successors to Amend and Adorn their Said Churches alter Enlarge or Amend the Same or any part And also to Purchase or Build more Churches Convenient Houses and Gardens for their Ministers and other Officers for the time being and to Amend and Repair the Same as Occasion may Require PROVIDED ALWAYS that this Act nor any thing therein Contained Shall be of Force until his most Sacred Majesty Shall be Graciously pleased to give his Royall Assent thereunto.

PROVIDED ALLSO that Nothing herein before Contained Shall be Construed or taken to Bar the Right or Claim of his Majesty his heirs or Successors or any Body Politick or Corporate of in or to the Said Manor or any part or parcell thereof but that the Same be hereby Saved and Reserved unto them



Respectively and that the Just Right and Pretention of all and every other Person and Persons whatsoever of in or to the Same or any part thereof be and hereby is Also Saved and Reserved to them Except the aforesaid Cornelius Steenwyck and Margarita his Wife Henricus Solyns and Margarita his Wife Colonel Nicholas Bayard Captain Isaac Van Vlecque Jacob Boelen Roelessen and John Harperdinch and every of them and all Persons claiming by from or under them or any of them

[CHAPTER 951.]

[Chapter 951, of Van Schaack, where the title only is printed. Chapter 80 (vol 2) of Livingston & Smith, where the act is printed in full. See chapters 736, 875. Revived and continued by chapter 1105.]

An Act to revive and further continue an Act Entituled an Act for the destroying of Wolves and Panthers in the Counties of Ulster Dutchess and Orange.

[Passed, December 12; 1753.]

WHEREAS Some parts of the Act Entituled An Act for the destroying of Wolves and Panthers in the Counties of Ulster Dutchess and Orange have already Expired and other parts thereof having been longer continued will Expire by their own Limitations on the first of January Next and the Said Act having been found Usefull

BE IT THEREFORE ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the authority of the Same that the Aforesaid Act Entituled An Act for the destroying of Wolves and Panthers in the Countys of Ulster Dutchess and Orange Passed in the Sixteenth Year of his Majesty's Reign and every Article Clause Matter and thing therein Contained Shall be and hereby is Revived Continued and to be and Remain in full force to all Intents Constructions and purposes whatsoever from the Publication hereof untill the first day of January which will be in the Year One thousand Seven Hundred and Sixty

THE TWENTY-SEVENTH ASSEMBLY

*Fourth Session*

(Begun April 9, 1754, 27 George II, James De Lancey, Lieutenant-Governor.)

[CHAPTER 952.]

[Chapter 952, of Van Schaack, and chapter 31 (vol. 2) of Livingston & Smith, where the title only is printed. See chapter 784. Repealed by chapter 1000.]

An Act to continue an Act Entitled An Act to Establish the Rates to be taken for Wharfage of Ships and other Vessels using the three Wharfs therein Mentioned

[Passed, May 1, 1754.]

Whereas an Act Entitled "An act to establish the Rates to be taken for wharfage of Ships and other Vessels using the three Wharfs therein Mentioned" passed in the Eighteenth year of his present Majesties Reign will Expire by its own Limitations on the first day of December Next and the Same having been found Usefull and Beneficial

BE it therefore Enacted by his Honour the Lieutenant Governor the Council and General Assembly and it is hereby Enacted by the Authority of the Same That the Act aforesaid Entitled "An Act to establish the Rates to be taken for Wharfage of Ships and other Vessels using the three Wharfs therein Mentioned" Shall be and hereby is Continued and Every Article Clause Matter and thing therein Contained shall be and remain in full force from the Said first day of December Next to the first Day of January One thousand Seven hundred and Seventy

[CHAPTER 953.]

[Chapter 953 of Van Schaack, and chapter 32 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapter 913.]

An Act to Revive an Act Entitled An Act to prevent the breaking or otherwise Injuring Glass Lamps In the City of New York

[Passed, May 1, 1754.]

WHEREAS an Act Entitled An Act to prevent the breaking or otherwise Injuring Glass Lamps in the City of New York,  
Vol. III. 125.



Passed in the Twenty fifth Year of His Majesty's Reign Expired by its own Limitation the first day of January One thousand Seven Hundred and Fifty three And the Said Act having been found very Usefull to the Said City

BE IT THEREFORE Enacted by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same That the abovementioned Act Entituled An Act to prevent the breaking or otherwise Injuring Glass Lamps in the City of New York Shall be and hereby is Revived and every Clause Article and thing therein Contained to be and Remain in full force and Virtue to all Intents Constructions and purposes Whatsoever

[CHAPTER 954.]

[Chapter 954 of Van Schaack. and chapter 33 (vol. 2) of Livingston & Smith, where the title only is printed. See chapter 938.]

An Act to prolong the time limited for Drawing the Lottery Appointed in and by an Act Entituled An Act for Raising the Sum of One thousand one hundred and Twenty five Pounds by a Publick Lottery for this Colony for a further provision towards founding a College within the Same.

[Passed, May 1, 1754.]

WHEREAS by an Act passed the Twelfth day of December last Entituled "An Act for Raising the Sum of One thousand One hundred and Twenty five Pounds by a publick Lottery for this Colony for a further provision towards founding a College within the Same" A Lottery is Erected and the Drawing thereof Appointed to Commence on or before the first Tuesday in June Next And it being Conceived that the Several Matters Required by the Said Act to be done and performed Antecedent to the Said Drawing Cannot be Completed by that time

BE IT THEREFORE ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that Instead of the Said First Tuesday in June Next as is directed by the Aforesaid Act The Drawing of the Said Lottery Shall begin on or before the First Tuesday in October Next And all Matters Whatsoever directed by the Said Act to be done and performed by the Said first Tuesday in June Next if done After the Said Day and on or before the first Tuesday in October Next Shall

be good and Valid to all Intents Constructions and purposes whatsoever Any thing in the Said Act to the Contrary Notwithstanding

THE TWENTY-SEVENTH ASSEMBLY.

*Fifth Session.*

(Begun May 2, 1754, 27 George II, James De Lancey, Lieut. Governor.)

[CHAPTER 955.]

[Chapter 955 of Van Schaack, and chapter 34 (vol. 2) of Livingston & Smith, where the title only is printed.]

An Act for the Payment of Several Sums of Money for the use and Security of this Colony.

[Passed, May 4, 1754.]

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that the Treasurer of this Colony Shall be and hereby is directed and Required out of the Money's Arisen or which may Arise by Virtue of An Act Entituled "An Act for granting to his Majesty the Several Duties and impositions on goods Wares and Merchandizes imported into this Colony therein mentioned," to pay the Several following Sums of Money, Videlicet

To his Honour the Lieutenant Governour for Presents to the Six Nations of Indians to be laid out in proper goods for that purpose and distributed Among them when his Honour goes to Albany to Renew the Ancient Alliance with them the Sum of Eight Hundred Pounds.

To his Said Honour the Lieutenant Governor for the Expence of his Voyage to Albany when he goes to Meet the Six Nations of Indians to Renew the Ancient Alliance with them the Sum of One hundred and Fifty Pounds.

To the Commissioners of Indian Affairs at Albany for Disbursements and Expences to the Six Nations of Indians and for Presents to be employed by them for the Publick Service the Sum of one hundred and Seventy Pounds.

To Arent Stephens the Indian Interpreter for all the Services which he Shall be directed to do by his Honour the Lieutenant Governor or Commander in Cheif for the time being the Sum of Fifty Pounds.



To the Commanding Officer at Oswego to be given Occasionally to Such Indians as come to Visit and give him Intelligence the Sum of Twenty-five Pounds.

WHICH Said Several Sums of Money Shall be paid by the Treasurer on Warrants Issued in Council Signed by the Lieutenant Governor or Commander in Chief for the time being by and with the Advice and Consent of the Council to the Said Respective Persons and their Receipts Endorsed on the Said Warrants Shall be to the Treasurer good Vouchers and discharges for the Same.

AND be it Enacted by the Authority Aforesaid that for Answering the Expence of Contingencies and Extraordinary Emergencies that may happen for the Service of this Colony from and After the Publication of this Act Warrants May Issue for the Same on the Treasurer from time to time if drawn by his Honour the Lieutenant Governor or Commander in Chief for the time BEING with the Advice and Consent of the Council which the Treasurer is hereby Ordered and directed to Pay out of the money's Arising by virtue of the herein before Mentioned Act Provided the Amount of the Said Warrants do not exceed the Sum of One Hundred Pounds, And if no part or only part thereof Shall be Required for Such Special Services either the whole or the Residue Shall Remain in the Treasury

AND be it Enacted by the Authority Aforesaid That the Treasurer Shall keep Exact Books of the Several Payments which by this Act he is directed to make And Shall Render true and distinct Accounts thereof upon Oath to his Honour the Lieutenant Governor or the Commander in Chief for the Time being to the Council or to the General Assembly when by them or any of them thereunto Required

#### [CHAPTER 956.]

[Chapter 956 of Van Scaack, and chapter 35 (vol. 2) of Livingston & Smith, where the act is printed in full.]

An Act to Enable and empower the Mayor Aldermen and Commonalty of the City of New York and their Successors to prevent and Remove Particular Nuisances within the Same to the Southward of the Fresh Water

[Passed, May 4, 1754.]

WHEREAS there are Sundry uninclosed Lotts of Ground within the Said City to the Southward of the Fresh Water the

True and Lawfull Owners and Proprietors whereof Cannot with any Certainty be Known or discovered many of which Lotts of Ground are become Common and publick Nuisances chiefly occasioned by throwing upon them all kinds of Filth and Dirt as also for want of Paving the Streets fronting the Same from which Noxious Vapours and Offensive Smells do proceed to the Endangering the Healths and Lives of the Inhabitants of the Said City in General but more especially the Inhabitants living Near the Same For Removing and preventing Such Nusances for the future

BE IT ENACTED by his Honour the Lieutenant Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that from and immediately after the publication of this Act the Mayor or Recorder with four or more Aldermen and four or more Assistants of the Said City for the time being in Common Council Assembled or the Major part of them Shall and are hereby fully Authorized and impowered from time to time and at all times during the Continuance of this Act So often as any Nuisance or Nusances do happen or are Occasioned by any Lott or Lotts of Ground lying uninclosed or for want of Sufficient Pavement and the Owner or Owners Proprietor or Proprietors whereof not appearing and Removing Such Nusances at the proper Costs and Charges of the Said Mayor Aldermen and Commonalty to Enclose and Surround with good and Sufficient Board Fence and to Remove all Such Filth and Dirt wherewith Such Lott or Lotts of Ground are Covered or incumbered and the Streets Fronting the Same to Pave with good and Sufficient Pebble Stones Suitable for Paving

AND be it further Enacted by the Authority Aforesaid that it Shall and may be lawfull to and for the Said Mayor Aldermen and Commonalty and their Successors for the time being to set Let or Demise Such Lott or Lotts of Ground to any Person or PERSONS untill the True Rightfull and Lawfull owner or Owners Proprietor or Proprietors Shall Appear or be discovered And the Money's Arising therefrom to use and Apply to Reimburse and Repay the Costs and Charges laid out and Expended by the Said Mayor Aldermen and Commonalty for the time being in Fencing and Inclosing Such Lott or Lotts of Ground and Removing the Filth and Dirt therefrom and of Paving the Streets Fronting the Same untill the Said Cost and Charges with Interest be fully paid and the Surplus Arising



from Said Rents (if any be) to be Accounted for to the Owner or Proprietor of Said Lott or Lotts of Ground

And be it further Enacted by the authority Aforesaid that no Owner or Owners Proprietor or Proprietors of Such Lott or Lotts of Ground Shall ReEnter or Reposses his her or their Lott or Lotts of Ground or any part thereof untill he she or they Shall well and Truly first Pay or Cause to be paid unto the Said Mayor Aldermen and Commonalty or their Successors for the time being all Such Sum and Sums of Money together with the Lawfull Interest for the Same as Shall have been laid out and Expended by them for the uses and purposes herein before particularly Mentioned and Expressed Any Law Usage or Custom to the Contrary hereof in any wise Notwithstanding

#### THE TWENTY-SEVENTH ASSEMBLY.

*Sixth Session.*

(Begun Aug. 20. 1754, 28 George II, James De Lancey, Lieut. Governor.)

#### [CHAPTER 957.]

[Chapter 957 of Van Schaack, and chapter 36 (vol. 2) of Livingston & Smith, where the title only is printed.]

An Act for Paying Five thousand Pounds for and towards Assisting the Colony's of Virginia and Pensilvania to disposses the French and Indians who have Setled and Erected Forts on his Majesty's Lands on the River Ohio and parts Adjacent thereto.

[Passed, August 29, 1754.]

WHEREAS the French and Indians in their Alliance have Invaded Setled and Erected Several Forts on his Majesty's Lands within or Near the Governments of Virginia and Pensilvania And the Government of Virginia by direction of His Majesty have Raised Forces and desired the aid and Assistance of the Neighbouring Governments to Expell the Said French and Indians from their Encroachments Aforesaid And the General Assembly being heartily Willing to Aid and Assist them in the Said Undertaking as far as the Circumstances of the Colony will Admit.

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly And it is hereby Enacted

by the Authority of the Same That the Treasurer Shall pay the Sum of Five thousand pounds for and towards the Said Undertaking, that is to Say, the Sum of Six Hundred and Ninety five pounds Out of the Money's Arisen by Virtue of An Act Entituled "An Act to Restrain Hawkers and Pedlars within this Colony from Selling without Licence" And the Remaining Sum of Four Thousand three hundred and Five pounds out of any Other Money Now in the Treasury not Appropriated to the Annual Support of Government Which Said Sum of Five Thousand pounds the Treasurer Shall Pay unto His Honour the Lieutenant Governor of this Colony out of which Said Sum of Five Thousand Pounds his Honour may Retain in his Own hands the Sum of Three Hundred Forty Eight pounds and seven pence half Penny for Money's Advanced by him for Victualling and Transporting Two Independant Company's of his Majesty's Regular Forces to Virginia on the Aforesaid Enterprize and the Remaining Sum of Four thousand Six Hundred Fifty One Pounds Nineteen Shillings And Four pence half penny Shall be paid by his Honour Unto Such Person or Persons as the Governour or Commander in Cheif OF the Colony and Dominion of Virginia by order under the Great Seal issued by the Advice and Consent of his Majesty's Councill of the Said Colony Shall Appoint to Receive the Same to be employed in Such Manner as the Said Governour or Commander in Cheif Shall think Most proper for attaining the Ends for which the Same is given

AND be it Enacted by the Authority Aforesaid That the Aforesaid Sum of Four Thousand three hundred and Five Pounds Shall be Repaid into the Treasury in Such Manner as Shall be hereafter directed by Act or Acts to be Passed for that purpose.

[CHAPTER 958.]

[Chapter 958 of Van Schaack, and chapter 37 (vol. 2) of Livingston & Smith, where the title only is printed. See chapter 948. Continued by chapter 994.]

'An Act to Continue 'An Act Entituled  
"An Act for granting to His Majesty the several Duties and Impositions on Goods Wares and Merchandizes imported into this Colony therein Mentioned.

[Passed, December 7, 1754.]

WHEREAS one Act passed in the Twenty Seventh Year of his Majesty's Reign Entituled "An Act for granting to his



Majesty the several Duty's and Impositions on Goods Wares and Merchandizes Imported into this Colony therein Mentioned" Will Expire on the first Day of January Next, and the said Act being greatly for his Majesties Service

Be it Enacted by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that the Said Act Entituled "An Act for granting to his Majesty the several Duties and Impositions on Goods Wares and Merchandizes imported into this Colony therein Mentioned" Shall be and hereby is Continued and every Clause Matter and thing therein Contained Enacted to be and Remain of Force to all Intents Constructions and Purposes whatsoever, from the said first Day of January Next Untill the first Day of January which will be in the Year of Our Lord One thousand Seven hundred and Fifty Six both days Inclusive

[CHAPTER 959.]

[Chapter 959 of Van Schaack, and chapter 38 (vol. 2) of Livingston & Smith, where the title only is printed. Expired January 1, 1756.]

An Act to Regulate the Collecting the  
Duty of Excise on Strong Liquors Retailled in  
this Colony

[Passed, December 7, 1754.]

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same, That Francis Marschalck and Cornelius Clopper junior Shall be and hereby are appointed Commissioners for Collecting the Duty of Excise of and from the Several Retailers of Strong Liquors within the City and County of New York from the first day of January One thousand Seven hundred and fifty five, to the first day of January One thousand Seven hundred and fifty Six

AND BE it further Enacted by the Authority Aforesaid that the Said Commissioners, Shall as Soon after the publication of this Act as they shall Judge convenient meet at the City Hall of the Said City in order to put in Execution the several powers and Authoritys given them by this Act At Which time and at Such other time or times as they the Said Commissioners Shall find Expedient They shall Appoint the several Retailers within the Said City and direct and ascertain what each Retailer Shall

pay for the Said Duty from the first Day of January One thousand Seven hundred and fifty five to the first day of January One thousand Seven hundred and Fifty Six ALWAYS PROVIDED that the whole Sum to be laid on the Several Retailers in the Said City and County Shall be the full and Entire Sum of Nine hundred and forty four Pounds with the Additional Sum of One Hundred Pounds for their Commissions which is to be at the Rate of Five per Cent and for other Incidental Charges for which Said Sum of One hundred Pounds they Shall account on Oath and if it exceeds their Commissions and Incidental Charges the Surplus thereof Shall be applied in ease of the Next Years Excise and the Said Sum of Nine hundred and Forty Four Pounds Shall by the said Commissioners be paid unto the Treasurer of this Colony on or before the first day of January One thousand Seven hundred and Fifty Six.

AND be it further Enacted by the Authority Aforesaid that the Several and Respective persons hereafter named Shall be and hereby are appointed Commissioners for Collecting the Said Duty of Excise of and from the several and Respective Retailers within the Several and Respective County's of this Colony, and the Harbours Bays and Rivers thereunto Respectively Adjoining or belonging VIZ'T

FOR the City and County of Albany the Mayor Recorder and Alderman of the Said City

FOR Queens County Samuel Burden and William Phillips-

FOR Kings County Abraham Bloom Esquire

FOR Suffolk County Richard Floyd Hugh Gilston and Samuel Landon Esquires

For Westchester County Edward Stephenson Esquire

For Dutchess County Clere Evert and Leonard Van Kleeck

For Ulster County Jacob Turk and Johannes J. Jansse

For Orange County Moses Gale and David Blaawvelt

For Richmond County Jacob Reseau and Hezekiah Wright Esquires

AND be it further Enacted by the Authority Aforesaid that the aforesaid Several and Respective Commissioners or the Major part of them Respectively Shall as Soon as they Conveniently can After the publication of this Act meet at the County Halls of their Several and Respective County's or at Such other place as they the Said Commissioners Shall Respectively Appoint for putting in Execution the powers and



Authority's given by this Act at which time or at Such other time or times as they shall Judge Necessary the Said Commissioners or the Major part of them Respectively Shall for their own Countys Severally and Respectively fix the Number and Appoint the Several Retailers within their Several and Respective County's and direct and Ascertain what each Retailer Shall pay for the Said Duty of Excise from the first Day of January One thousand Seven hundred and Fifty five to the first day of January One thousand Seven hundred and Fifty Six. ALWAYS PROVIDED that the Sum to be laid on the Several Retailers in the City and County of Albany Shall be the full and Entire Sum of One hundred and Seventeen Pounds with the sum of thirteen pounds in Addition thereto for the Charges of Managing the Same.

ON the several Retailers in Queens County the full and Intire Sum of one hundred Thirty Nine pounds Nine Shillings, with the Sum of Ten pounds in Addition thereto for the Charges of Managing the Same.

ON the Several Retailers in Kings County the full and Entire Sum of Thirty Eight Pounds three Shillings with the Sum of Five pounds in Addition thereto for the charges of Managing the same.

ON the Several Retailers in Suffolk County the full and Entire Sum of Seventy Pounds Fourteen Shillings with the Sum of Nine pounds in Addition thereto for the Charges of Managing the Same.

ON the Several Retailers in Westchester County the full and Entire Sum of Sixty Six Pounds with the Sum of Ten pounds in addition thereto for the charges of Managing the Same.

ON the Several Retailers in Dutchess County the full and Entire Sum of Thirty Eight Pounds three Shillings with the Sum of Ten pounds in Addition thereto for the Charges of Managing the Same

ON the Several Retailers in Ulster County the full and Entire Sum of thirty Eight pounds three Shillings with the Sum of Six Pounds in addition thereto for the Charges of Managing the Same.

ON the Several Retailers in Orange County the full and Entire Sum of Nineteen Pounds Eleven Shillings with the sum of three pounds in Addition thereto for the Charges of managing the Same.

AND on the Several Retailers in Richmond County the full and Entire Sum of Twenty Eight Pounds Seventeen Shillings with the sum of One pound Ten Shillings, in addition thereto for the Charges of managing the Same

AND be it further Enacted by the Authority Aforesaid that the Aforesaid Several and Respective Commissioners Shall before they enter on the Execution of the Powers and Authority's given by this Act, enter into the following Recognizances unto our Sovereign Lord the King, His heirs and Successors before any Judge of the Supreme Court or of the Inferior Courts, that is to Say, The Said Francis Marschalck and Cornelius Clopper Junior in the Penal sum of One thousand Eight hundred and Eighty Eight pounds

THE Said Samuel Burden and William Phillips in the Penal Sum of Two hundred and Seventy Eight Pounds Eighteen Shillings.

THE Said Abraham Bloom in the penal Sum of Seventy Six Pounds Six Shillings.

THE Said Richard Floyd Hugh Gilston and Samuel Landon in the Penal Sum of One hundred and forty one pounds Eighteen Shillings

THE Said Edward Stephenson in the penal Sum of One hundred and Thirty Two pounds.

The Said Clere Everet and Leonard Vankleeck in the penal Sum of Seventy Six Pounds Six Shillings

THE Said Jacob Turk and Johannes J. Janssen in the penal Sum of Seventy Six pounds Six Shillings

THE Said Moses Gale and David Blaawvelt in the penal sum of Thirty Nine pounds Two Shillings

The Said Jacob Resseau and Hezekiah Wright in the penal sum of Fifty seven pounds Fourteen shillings. **CONDITIONED** that they Shall well and truly Pay to the Treasurer of this Colony on or before the first day of January which will be in the Year of our Lord One thousand Seven hundred and fifty Six, the several and Respective Sums to be laid in manner Aforesaid on the Several and Respective Retailers within their Several and Respective County's Exclusive of the Several and Respective Sums by this Act Allowed for the Charges of Management.

AND be it further Enacted by the Authority Aforesaid that the aforesaid Several and Respective Retailers, Shall Pay the Aforesaid Several and Respective Sums laid or to be laid on them unto the Aforesaid Several and Respective Commissioners



on or before the first Day of December One thousand Seven hundred and fifty five for Securing which Payment the Said Commissioners Shall Respectively oblige the said Several and Respective Retailers to give such Security as they the Said Commissioners Shall Judge Necessary.

AND be it further Enacted by the authority Aforesaid that in Case any Person or Persons whatsoever Other than Such as the Said Commissioners Shall permit Shall presume to Sell any Strong Liquors by Retail, Directly or Indirectly he She or they so offending Shall for each Such Offence forfeit the sum of six Pounds to be Recovered by the Said Commissioners Respectively on the Oath of any one Creditable Witness in a summary Way in the City's of New York & Albany before the Mayor or Recorder and one or more Aldermen of the Said City's Respectively and in THE Several County's before any Justice of the peace within the Said County's Respectively and if upon Conviction the said Forfeiture be not paid the same shall be levied on the Goods and Chattels of the Offender or Offenders by Warrant under the hands and seals of the Persons before whom Such Conviction Shall happen And if no goods or Chattels are found on which to destrain it Shall be Lawfull to the Persons who heard and determined the Cause to Commit the offender or Offenders to Goal without Bail or Mainprize for the Space of three Months unless the Said Penalties are sooner discharged And the Said Respective Magistrates Shall be and hereby are fully Impowered directed and Required to hear and determine those matters in the manner Aforesaid and to give Judgment and if need be to award Execution thereon and to Issue a Warrant or Warrants for the Commitment of Offenders as the Case may Require One third of which forfeiture Shall be to the Informer or Informers One third to the Said Commissioners And, one Third to the Poor of the Town Manor or Precinct where the offence shall be Committed to be Paid into the hands of the Church Wardens or Overseers of the poor of the Said Respective place or Places by the officer or Officers by whom the Same Shall be levied, any thing in any of the Acts of this Colony to the Contrary notwithstanding

AND be it further Enacted by the Authority Aforesaid that the several Retailers who Shall be permitted and allowed to Retail by the Said Commissioners Shall before they do so retail any Strong Liquor enter into Recognizances That is to Say, In the City's of New Ycrk and Albany before the Respective

Mayors thereof AND in the Several County's of this Colony before two Justices of the Peace in the Penal Sum of Twenty Pounds with Sufficient Sureties in the like Sum CONDITIONED to keep an Orderly house according to Law during the time they Shall be Permitted to Retail as Aforesaid And thereupon the said Respective Mayors or the Said Justices Shall grant to the person or Persons who have entered into Such Recognizances a Licence under his or their hands and Seals to Retail Strong Liquors in such house or place as shall be Mentioned therein during the Continuance of this Act Which Recognizances are to be lodged by the Person or persons before whom the Same shall be taken VIZT In the City's of New York and Albany with the Town Clerks And in the several County's with the Respective Clerks thereof And upon Complaint of the breach of the said Condition It shall be Lawfull for the Said Mayors and Aldermen of New York and Albany or the greater number of them and in the Countys for the Justices of the General or Special Sessions, of the peace to Suppress the Licence or Licences of Such Offender or Offenders.

AND be it further Enacted by the Authority Aforesaid that in case any of the Persons who Shall be permitted to Retail Strong Liquors as Aforesaid by the said Commissioners Shall presume to Retail before he she or they have Obtained a Licence and entered into Recognizance to keep an orderly house as Aforesaid he she or they so Offending Shall Respectively forfeit the sum of six Pounds for each offence to be Recovered in a Summary Way in the manner before directed One Half thereof to the Informer or Informers and the other half to the Poor of the Town Manor or Precinct where the Said forfeiture Shall Arise.

AND that the Expence of being Qualified to Retail may be within the Bounds of Moderation BE IT ENACTED by the Authority Aforesaid that no more Shall be taken for a Licence and Recognizance in the City's of New York and Albany than the usual and Accustomed Fees and in the Respective Countys than the sum of three Shillings

AND be it further Enacted by the Authority Aforesaid that Such Persons Permitted to Retail as Aforesaid by the Said Commissioners who Retail Strong Liquors not to be drank in their own houses but Carried Elsewhere Shall not be obliged to Enter into Recognizances & take Licences as Aforesaid Any thing Contained in this Act to the Contrary Notwithstanding.



AND be it Enacted by the authority Aforesaid that in Case all the Several Sums for which the Excise Shall be let in the several and Respective City's and County's of this Colony shall fall Short of the sums herein before Rated on the Said Several and Respective City's and County's with the aforesaid Incidental Charges of Letting and Collecting the same then the Commissioners Aforesaid where such deficiency's shall happen Shall be and hereby are Impowered to Call the Retailers before them and Assess and Rate Such sum and sums upon them as Shall be Sufficient to Make up Such deficiency which Said Additional Sums Shall be Collected and paid in the same Manner with the several and Respective sums first laid.

AND be it further Enacted by the Authority Aforesaid that in Case of the Death of any of the Aforesaid Respective Commissioners the surviving Commissioner or Commissioners where such Death may happen Shall be and hereby is and are Entitled to the whole Reward and Vested with the same powers and Authority's to Execute this Act as if no such Death had happened And in Case of the Death of all the Commissioners of any of the Said Respective City's or County's then the Sheriff or Sheriffs for the time being of the City's County or County's where such Death may happen Shall be and hereby is and are vested with all the powers and Authority's given to the Commissioners by this Act be under the same Regulations and Intituled to the same Rewards to all Intents Constructions and purposes whatsoever as if they had been particularly Named and Appointed in this Act Any thing in this Act to the Contrary Notwithstanding.

AND be it further Enacted by the authority Aforesaid That all the Moneys to be paid to the Treasurer of this Colony by Virtue of this Act Shall be employed for and towards Cancelling the Bills of Credit Struck and Issued upon the said Duty of Excise at the times and in the manner directed in and by an Act Entituled "An Act for the more Effectual Cancelling the Bills of Credit of this Colony." Passed in the Twenty first Year of his Majesty's Reign and to and for no other use or purpose Whatsoever Except so much thereof as is otherwise applied by an Act Entituled "An Act further to Continue the Duty of Excise and the Currency of the Bills of Credit Emittid thereon, for the purposes IN the former Act and herein Mentioned" Passed in the Twenty Seventh Year of his Majesties Reign.

AND be it Also Enacted that the Retailers in the City of New York Shall pay the Excise in three Several payments or Sooner as the Commissioners and they shall Agree PROVIDED ALWAYS that Nothing in this Act Shall be Construed to make Void Abridge or in any way lessen the Several Rights and privileges granted unto the City's of New York and Albany by their Respective Charters. Any thing Contained in this Act to the Contrary thereof in any wise Notwithstanding

## [CHAPTER 960.]

[Chapter 960 of Van Schaack, and chapter 39 (vol. 2) of Livingston & Smith, where the act is printed in full.]

An Act to prevent Malicious Informations  
in the Supreme Court of Judicature for the  
Colony of New York.

[Passed, December 7, 1754.]

WHEREAS An Act of Parliament was made and passed in the fourth and Fifth years of King William and Queen Mary Entituled An Act to prevent Malicious Informations in the Court of Kings Bench and for the more easy Reversal of Outlawries in the same Court.

AND WHEREAS it has hitherto been usual and Customary in the said Colony to commence and carry on Prosecutions by way of Information in the said Supreme Court for Trespasses Batteries and other Misdemeanors in like manner as such Prosecutions were commenced and carried on by the Clerk of the Crown office in the aforesaid Court of Kings Bench before the time of the making of the said Act.

AND WHEREAS it is found highly necessary as well as conceived just and reasonable that all Prosecutions hereafter to be commenced by way of Information in the said Supreme Court should be commenced carried on and Prosecuted under the like restrictions and Limitations and as near as may be agreeable to the methods manner and form of commencing carrying on and prosecuting Informations for the like offences in the Court of Kings Bench in England.

WHEREFORE the General Assembly pray it may be Enacted AND BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly that from and after the Publication of this Act the Clerk of the Supreme Court for the time being shall not without express order to be given



by the said Court receive or file any Information for any of the causes aforesaid, or Seal any process thereupon before he shall have delivered to him a Recognizance from the Person or Persons procuring such Information or Informations to be Exhibited to be entered into to the Person or Persons against whom such Information or Informations is or are to be Exhibited with Sufficient security in the penalty of twenty pounds that he she or they will effectually prosecute such Information or Informations and abide by and observe such orders as the said Court shall direct which Recognizance any one of the Judges of the said Supreme Court is hereby impowered to take. After the taking and Receipt whereof the Clerk of the said Court shall make an Entry thereof upon Record, and shall file a Memorandum thereof in some Publick place in his office that all persons may resort thereunto without Fee and in case any Person or Persons against whom any Information or Informations for the causes aforesaid or any of them shall be Exhibited shall appear thereunto, and plead to issue and that the Prosecutor or Prosecutors of such Information or Informations, shall not at his and their own proper Costs and Charges, at or before the second Court (in which the same might be tryed) next after issue joined therein procure the same to be tryed or if upon such Tryal a Verdict pass for the Defendant or Defendants or in case the said Informer or Informers procure a Noli prosequi to be entered then in any of the said cases the said Supreme Court is hereby Authorized to award to the said Defendant or Defendants his or their cost unless the Judge before whom such Information or Informations shall be tryed shall at the Tryal of such Information or Informations in open Court Certify upon Record that there was a reasonable cause for exhibiting the same and in case the said Informer or Informers shall not within ten days next after the said Costs taxed and demand made thereof pay to the said Defendant or Defendants the said Costs then the said Defendant and Defendants shall have the benefit of the said Recognizance to compell them thereunto Provided that nothing in this Act shall extend or be construed to extend to any such Information or Informations as are or shall be Exhibited by express order of the Governour or Commander in Chief for the time being by and with the advice and consent of the Council or by order of the said supreme Court any thing in this act contained to the contrary notwithstanding

[CHAPTER 961.]

[Chapter 961 of Van Schaack, and chapter 40 (vol. 2) of Livingston & Smith, where the title only is printed. See chapters 873, 895, 927. Expired January 1, 1758.]

An Act to Continue the several Acts for  
Supporting the Garrison and Trading House at  
Oswego with Some additions

[Passed, December 7, 1754.]

WHEREAS an Act Entituled An Act to Support the Garrison and Trading House at oswego Passed in the Eighteenth Year of his Majesty's Reign As also one other Act Entituled An Act further to Continue An Act Entituled An Act to Support the Garrison and Trading House at oswego with Some Additions thereto Passed in the Twenty Second Year of his Majesty's Reign As also one other Act Entituled An Act to Continue the two Acts therein Mentioned for Supporting the Garrison and Trading House at oswego Passed in the Twenty fourth Year of his Majesty's Reign Will Expire the first Day of January next And forasmuch as it is necessary to Support the Garrison and Trading House there BE IT ENACTED by His Honour the Lieutenant Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that the Three Acts Above Mentioned Shall be and hereby are Continued and every Clause Article Matter and thing in the Said Acts Contained Enacted to be and Remain in full force and Virtue to all intents Constructions and purposes Whatsoever from the Said first Day of January Next untill the first Day of January which will be in the Year of our Lord one thousand Seven Hundred and Fifty Eight

PROVIDED ALWAYS AND BE IT ENACTED BY THE AUTHORITY AFORESAID that Whereas John Bleeker one of the Commissioners for Collecting the Duty's laid by the Aforesaid Act or Acts has Refused to Act as Such And Peter Schuyler junior one other Commissioner for Collecting the Said Duty's is deceased Volkert Peter Douw and Reynier Meynderse Shall be and hereby are appointed Commissioners (with John De Peyster in the first Act Aforesaid Mentioned) to Collect the Said Duty's in the Room and Stead of John Bleeker and Peter



Schuyler junior Aforesaid and they the Said Volker Peter Doan and Reynier Meynderse with the Said John De Peyster Shall be and hereby are Vested with as full power and Authority to Exercise the office of Commissioners of the Said Duties and be Subject to the like Rules and Directions take the like Oaths Enter into the like Recognizance and be Intituled to the like Rewards as if they had been Actually Named and Appointed in the Said Act first abovementioned any thing in the Aforesaid Acts or any of them to the Contrary Notwithstanding

AND whereas it is Suspected that the Traders to Oswego do frequently find means to Convey more Goods to the said place for Sale than are contained in their Certificates BE IT FURTHER ENACTED by the Authority Aforesaid that the Commissary or Commanding Officer at Oswego when any Such Certificate or Certificates Shall be produced to him Shall tender an Oath to the Person or Persons producing the Same to the following Effect to Wit That he She or they have not either Directly or Indirectly either by him her or themselves or by any other Person or Persons for him her or them brought any other or more Rum or other distilled Liquors Goods Wares or Merchandizes to Oswego or parts Nigh or adjacent thereto than Such as are Mentioned and Contained in the Certificate or Certificates So by him her or them produced And in case any Such Trader or TRADERS Shall Refuse to take Such Oath when Tendered he she or they So Refusing Shall be adjudged to have brought more Goods than are mentioned in the Said Certificate or Certificates and Shall Respectively forfeit for each Such Offence the Sum of Fifty Pounds to be Recovered by the Said Commissary or Commanding Officer in any Court of Record within this Colony one half Part thereof to his own Proper use and the other half part for the Commissioners for Collecting the Duty's on Goods Carried to Oswego for Trade to and for Supporting the Garrison and Trading House at Oswego And in case it Shall Afterwards be discovered that the Person or Persons taking the Said Oath hath or have Sworn falsely he she or they so offending Shall be Subject and liable to all the Pains and Penalties to which Persons guilty of Wilfull and Currup Perjury are Subject and liable to by Law.

## [CHAPTER 962.]

[Chapter 962 of Van Schaack, and chapter 41 (vol. 2) of Livingston & Smith, where the title only is printed. Expired at the end of the first session after January 1, 1758. Provided for by chapter 1073.]

An Act to impower Justices of the Peace  
to Try Causes from forty Shillings to Five  
Pounds.

[Passed, December 7, 1754.]

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly And it is hereby Enacted by the Authority of the same that all Actions for Debts and other Demands from Forty Shillings to Five pounds Current Money of this Colony (Except Such Actions as are herein After excepted) Shall from and After the Publication of this Act be and are hereby made Cognizable before any one Justice of the peace of any of the County's within this Colony And the said Justices are hereby Respectively impowered and Required upon Application to either of them made for the Recovery of any Such Debt or Demand to Issue a Summons or Warrant as the case may require directed to the Constable of the Town Manor or Precinct where the Defendant dwells or can be found Commanding him to bring or Cause Such defendant to come with the plaintiff or his Attorney before him at the Time and in the Manner following (That is to Say) In case where such Process shall be in Nature of a Capias, forthwith After the Service thereof but where the summons shall be Issued then on some certain day therein to be Expressed not less than six nor exceeding twelve Days from the Service of such Summons and At the time appointed for hearing of such Cause or on such other Day as Such Justice Shall think Reasonable to appoint the Said Justice Shall proceed to hear and Examine the Allegations and Evidences of the plaintiff and Defendant and give his Judgment thereupon in Such manner as shall appear to him Agreeable to Equity and Justice together with Such Costs as are herein After Allowed

AND be it further Enacted by the Authority Aforesaid that the Process Against all Freeholders and Inhabitants having Family's Shall be by Summons only which shall be Signed by the Justice that Shall grant it and Served on the Person of the



Defendant or a Copy thereof left at his House in the presence of some of his Family of Suitable Age and discretion (who shall be informed of the Contents thereof) at least Six Days before the time appointed for a hearing and in case the defendant doth not appear at the time and place that Shall be appointed in Such Summons then on Oath or Affirmation made by the Constable that the said Summons was duely Served in the Manner aforesaid and no Sufficient Reason Appearing to the Said Justice why the said Defendant did not appear on the Day Appointed in Said Summons the said Justice Shall issue his Warrant and proceed in the same manner as is above directed.

PROVIDED always and be it Enacted by the Authority Aforesaid that if any Such Plaintiff so applying Shall upon Oath or Affirmation declare that he or she does Sincerely believe that if Such Process be only by Summons against Such Freeholder or Inhabitant haveing a Family he or she will be in danger of loosing the Debt thereby or that he or She doth Really and Sincerely believe that Such Freeholder or Inhabitant will depart the County or otherwise abscond before Such time then the Said Justice Shall Issue out his Warrant in such Manner as if the defendant had not been a Freeholder or Inhabitant having a Family & if any Defendant shall require a longer time then is first Appointed by the said Justice and will if required give sufficient Security to appear and Stand Tryal on Such other Day as Shall be apponted then the said Justice is hereby Required and impowered to Adjourn the Tryal of Such Cause to any Day he shall think most Convenient not exceeding Twelve Days nor less than three from that time unless the Justice and parties shall otherwise Consent and Agree.

AND be it further Enacted by the Authority Aforesaid that in every Action that Shall hereafter be brought in this Colony by Virtue of this Act it Shall and may be Lawfull for either of the Parties to the suit to Demand of the Said Justice that such Action be Tryed by a Jury And upon such demand the said Justice is hereby Required & Commanded to Issue a Warrant to the Constable of any of the Towns Mannors or Precincts of the said County Commanding him to bring or Cause to come at Such Certain time and place as Shall be in the Warrant Expressed Six good and Lawfull Men of the County being Freeholders who Appearing the said Justice shall Administer to each of them an Oath in the Words following VIZt. You shall well and truly

try this matter in difference between A. B. Plaintiff and C. D. Defendant and a true Verdict Shall give According to Evidence, So help you God, And After the six Persons have taken the oath Aforesaid they Shall Sit together and hear the Several Proofs and Allegations of the parties which Shall be delivered in publick in their Presence After which they Shall be kept together in Some Convenient private place untill they all agree upon a Verdict which Shall be given in to the Said Justice who is hereby Required to give Judgment Agreeable to Such Verdict and to Award Execution in the manner herein After directed The Cost of the Jury to be paid with the other Costs by the party Against whom their Verdict Shall be found.

AND be it further Enacted by the Authority Aforesaid that if the Plaintiff in any such Suit or Action Shall be Nonsuited or discontinue or withdraw his Suit without the leave of the Defendant then Judgment Shall be given Against him for the Costs Accrued or if he Shall Appear to be Indebted to the Defendant then Judgment Shall be given Against him for the said Debt or Demands and Costs as the case may require And whenever Judgment Shall be given Against either Plaintiff or Defendant in any of the before mentioned Cases the Justice that pronounced the Said Judgment Shall grant Execution thereupon directed to one of the Constables of the said Town Mannor or Precinct Commanding him to levy the Debt or Demand & Costs on the Goods and Chattles of the Person Against whom Such EXECUTION Shall be granted and for want of Sufficient effects whereon to levy the Execution to take the Body of the Person against whom Such Execution Shall be granted and him or her Convey and deliver to the Keeper of the Common Goal of the County which Said Constable After his taking Such goods or Chattles into his Custody (by virtue of such Execution) Shall give Publick Notice by an Advertisement put up at the most Publick Place of the Town Manor or Precinct where such Goods shall be taken of the Sorts of Goods and the time and place when they shall be Exposed to Sale at least five Days before the time Appointed for Selling them And at the time and place So Appointed for Selling them Shall Expose them to Sale by Publick Vendue to the highest bidder and Pay the Money according as shall be directed in the Warrant or Writ of Execution and Return the overplus if any be to the owner and for want of Sufficient Goods & Chattles whereon to levy the Execution the Constable to whom any Such Execution shall



be directed Shall According to the Tenor of the Said Execution take the Body of the person against whom any Such Execution shall be granted and Convey and deliver him or her unto the keeper of the Common Goal of that County Which Said Goal-keeper is hereby Commanded to keep such Prisoner in his Safe Custody in the Common Goal untill the Debt or Demand with the Costs Shall be fully Paid or untill he or she shall be from thence delivered by due Course of Law.

PROVIDED Nevertheless that no Execution of any Judgment given by Virtue of this Act Shall Issue against any Freeholder in less than one month After giving the Said Judgment unless the party in whose favour Such Judgment is given Shall make it Appear to the Said Justice on Oath or Affirmation that he or she is in danger of loosing their Debt if such delay be allowed in which Case the Justice Shall Issue his Warrant of Execution Immediately as herein before directed unless the party Against whom Such Judgment is given Shall thereupon give Security to the party in whose favour Judgment went to Pay the full of the Debt and Cost at or before the Expiration of the said one Month.

AND be it further Enacted by the Authority Aforesaid that if any Person, or Persons, Whatsoever Shall Commence Sue or Prosecute any suit or Suits for any Debt or Demand made Cognizable as Aforesaid in other manner than is directed by this Act and Shall obtain a Verdict or Judgment thereon for Debt or Damages which without Cost of suit Shall not amount to more than Five Pounds Money Aforesaid (not having Caused an oath or affirmation to be made before the obtaining a Writ and filed the Same in the Clerks office) that he she or they so making Oath or Affirmation did truly believe the Debt due or damages Sustained exceeded the sum of Five Pounds money Aforesaid he she or they so Proescuting Shall not Recover or have any Costs in Such Suit Any Law Usage or Custom to the Contrary in anywise Notwithstanding. PROVIDED always that neither this Act nor any thing herein Contained Shall be deemed Construed or understood to extend to such Actions where the Titles of Land Shall any ways come in Question

AND be it Enacted by the Authority Aforesaid that no greater or other Fees Shall be allowed Taxed or taken in Actions brought in the manner by this Act directed THAN as in this Act is appointed to be taken VIZ't

### JUSTICES FEES.

- A Summons Nine Pence
- A Warrant one Shilling and Six Pence
- A Judgment one Shilling
- FOR** Administring every oath or Attestation Six pence
- A Summons for Evidence Six pence
- Every Execution one Shilling and Six pence
- Issuing the Venire Facias to Summon a Jury one Shilling
- Swearing the Jury Eighteen pence.

### EVIDENCES

Attending on Sumons or otherwise Two Shillings per Day  
and so in proportion for a longer or Shorter time.

### CONSTABLE

- Serving every Warrant or Summons for one Miles Riding  
or under One Shilling.
- Every mile more Six pence.
- For** Serving every Execution for each Pound Two Shillings
- Summoning every Jury Three shillings

### JURIES

- All Causes Tryed one Shilling per man
- For** All Causes when Summoned and the Cause not Tryed Six  
pence per man. Provided that the whole Cosfs to be re-  
covered or allowed in any one Cause or Action shall not  
exceed the sum of forty shillings.

PROVIDED ALWAYS that nothing herein Contained Shall  
Extend or be Construed to Extend to Abridge Alter or lessen  
the powers Rights Privileges and Method of Proceedings of the  
Mayors Recorders and Aldermen of the City's of New York and  
Albany and Borough of Westchester or any of them which they  
or any of them were Intituled to before the making hereof any  
thing in this Act to the Contrary thereof Notwithstanding AND  
PROVIDED ALSO that nothing herein shall Extend to oblige  
Such Justices of the peace within this Colony as are Members of  
his Majesty's Council to take Cognizance of such Causes Matters  
or things as are by this Act Provided for but that they Shall be  
at liberty at all times to Act therein or not as to them Shall



seem fitting Any thing herein Contained to the Contrary Notwithstanding. This Act to be in force from the Publication thereof until the first day of January which will be in the year of our Lord One thousand seven hundred and fifty Eight and from thence to the End of the then next session of the General Assembly.

[CHAPTER 963.]

[Chapter 963 of Van Schaack, and chapter 42 (vol. 2) of Livingston & Smith, where the title only is printed. See chapter 674 and 958. Repealed by chapter 972.]

An Act to Continue an Act Entituled An Act to Regulate the Militia of this Colony with an Alteration thereto.

[Passed, December 7, 1754.]

WHEREAS An Act Entituled An Act to Regulate the Militia of this Colony passed in the Thirteenth Year of his Present Majesty's Reign was Revived in the Twenty Seventh Year of his Majesty's Reign Which was to continue to the first day of January One thousand Seven hundred and Fifty five and from thence untill the End of the then next Session of the General Assembly and Whereas a due and proper Regulation of the Militia of this Colony tends not only to the Sécurité and defence thereof but likewise to the Honour and Service of his Majesty Which makes it highly Necessary to provide for and Continue the Same BE IT THEREFORE Enacted by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that the Above mentioned Act Entituled An Act to Regulate the Militia of this Colony Shall be and hereby is Continued And every Clause Article Matter and thing therein Contained ReEnacted and Shall be and Remain in full force and Virtue to all Intents Constructions and purposes Whatsoever to the first Day of January which will be in the Year of our Lord One thousand Seven hundred and Fifty Six.

PROVIDED always that whereas in and by the aforesaid Act Passed in the Thirteenth Year of his Majesty's Reign it is declared that the Dress of the Troopers of the City of New York when they appear in Arms Shall be Red It is hereby Enacted by the Authority Aforesaid that the Dress of the Said Troopers when they appear under Arms Shall be Blue Any thing in the Said Act to the Contrary Notwithstanding.

## [CHAPTER 964.]

[Chapter 964 of Van Schaack, and chapter 43 (vol. 2) of Livingston & Smith, where the act is printed in full.]

An Act for the Relief of the Poor in Dutchess County; to Enable the Inhabitants of the Several Precincts thereof to Elect overseers of the Poor and to Ascertain the places of their Respective meetings.

[Passed, December 7, 1754.]

BE it Enacted by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the authority of the Same that it Shall and may be Lawfull for the Freeholders and Inhabitants of each Respective Precinct in Dutchess County at their annual meetings for Electing officers to Chuse and Elect at the Same time So many Persons to be overseers of the Poor as the Majority of the Respective freeholders and Inhabitants of each Precinct then Present Shall Judge Necessary.

AND be it Enacted by the authority aforesaid that all Elections hereafter to be made of Officers in the Precinct called Beekmans Precinct Shall be held at the House where Arij Jonas Delange now lives and in that of Rynbeeck Precinct at or near the House where Captain Francis Nehar now lives and in all other Precincts in the Said County at the usual Places for Electing officers any usage or Custom to the Contrary Notwithstanding

AND be it Enacted by the authority Aforesaid that the Said overseers or the greater part of them respectively by and with the Consent of two or more Justices of the Peace Dwelling in or near Such Precinct Shall take order from time to time for Setting to work all Such Persons Married or unmarried as have no visible means to maintain themselves And also to Raise a Compe- tant Sum of Money Yearly to Purchase proper Materials for the Poor to work on for the Necessary Relief of Such poor People as are not able to Work and for putting poor Children apprentices which Sum of money they the said Overseers with Consent as Aforesaid are hereby Authorized and Required to Ascertain and the same being so ascertained Shall be Assessed devied and Collected by Warrant from the Said Justices directed



to the Assessors and Collectors of each Respective precinct Chargeable therewith in the Same manner as the other necessary and Contingent Charges of the said County are And the Same being So assessed Levied and Collected Shall be paid unto the overseers of each Respective Precinct on or before the Twenty fifth of March in every Year for the Uses aforesaid

AND be it Enacted by the authority aforesaid that the Said overseers or the Major part of them by and with Consent as aforesaid are hereby Impowered to bind Apprentices all Such Children whose Parents Shall not by the overseers and Justices as Aforesaid be thought able to keep and maintain them when they the Said overseers and Justices as Aforesaid Shall see Convenient till Such Male Child come to the Age of Twenty one Years and Such Female Child to the age of Eighteen.

AND be it Enacted by the authority aforesaid that the overseers or Major part of them by and with Consent as Aforesaid Shall find and provide in each Precinct in the County Aforesaid for the dwelling of the poor and Setting them to work Some fit and Convenient place at the Charge of the Respective Precinct where the Same may be which Charge Shall be Ascertained assessed Levied and Collected and Paid as Above

AND be it Enacted by the authority Aforesaid that the Said Overseers or Such of them as have received Such Sum or Sums of money and as Shall not be hindered by Sickness or other Just Excuse to be allowed of by Two or more Justices of the Peace of said County Shall meet together once every Year at the least in each Respective Precinct and Shall render upon Oath unto Two Such Justices of the peace as Aforesaid A true and perfect account of all Such Sum or Sums of money by them So Received and Applied as Aforesaid And all Such Sum or Sums of money as Shall be in their hands Shall pay and deliver over to the overseers Respectively who Shall be Elected in each Precinct for the next Ensuing Year upon Penalty of Forty Shillings To be recovered before any one Justice of the peace of Said County to be Applied to and for the Relief of the Poor where the Default Shall happen.

## [CHAPTER 965.]

[Chapter 965 of Van Schaack, and chapter 44 (vol. 2) of Livingston & Smith, where the title only is printed. Expired January 1, 1756.]

An Act for the Relief of Insolvent Debtors  
with Respect to the Imprisonment of their  
Persons in the City of New York and County  
of Westchester.

[Passed, December 7, 1754.]

WHEREAS many persons by losses and other Misfortunes are Rendered incapable of paying their whole Debts and tho' they are willing to make the utmost Satisfaction they can are Nevertheless detained Prisoners by their Creditors And whereas Such unhappy Debtors have Always been deemed the proper Objects of Publick Compassion THEREFORE for Relief of Such Prisoners within the City of New York who shall be willing to Satisfy their Creditors as far as they are able BE IT ENACTED by his Honour the Lieutenant Governor, the Council and the General Assembly and it is hereby Enacted by the Authority of the same, that if any Person or Persons within the Said City now Charged in Execution or having been committed for the space of three months or Longer upon a Capias before the publication of this Act whose Debt or Debts do not exceed in the whole the Sum of Fifty Pounds or that if any Person or Persons within the said City Charged or Committed as Aforesaid for the space of Two Months whose Debt or Debts do not exceed Twenty five Pounds or that if any Person or Persons within the said City Charged or Committed as Aforesaid for the space of Twenty Days whose Debt or Debts do not exceed Ten pounds Current money of this Colony Shall be minded to deliver up to his her or their Creditors all his her or their effects towards the satisfaction of such Debts it shall and may be Lawfull for such Prisoner or Prisoners to Exhibit a Petition to any of the Courts of Law within the City of New York from whence the Process issued upon which he She or they was or were taken in Execution, or other Process as Aforesaid Certifying the Cause or Causes of his her or their Imprisonment and an account of his her or their whole Estate both Real and personal with the dates of the Securities wherein any part of it Consists and the Books Deeds and Notes Relating thereto with the names of the Witnesses to the same So far as his her or their Knowledge



Extends thereto and upon Such Petition the Court may and are hereby Required by rule of Court to cause the Prisoner to be brought Before them and the Several Creditors at whose Suit or Suits he she or they Stand Charged and all other his or her Creditors that are or can be known to the Court to be Summoned to Appear Personally or by their attornies at a Day to be appointed for that purpose and upon the Day of such Appearance if any of their Creditors summoned Refuse or Neglect to Appear upon Affidavit made of the due Service of Such Rule or Order or upon Affidavit made that the Creditor or Creditors are not to be found the Court Shall in a summary way Examine into the Matters of the Said Petition and hear what can or Shall be Alledged on either Side for or Against the discharge of such Prisoner and upon Such their Examination the Court may and are hereby Required to Administer or Tender the Prisoner an oath or Affirmation to the effect following Which Oath or Affirmation the said Court are hereby Impowered to Administer

I A. B, Do Solemnly Swear in the presence of Almighty God (or being of the People Called Quakers Sincerely and truly declare and Affirm) that the account by me delivered in my petition, doth contain a full and true account of all my Real and Personal Estate Debts Credits and effects whatsoever which I or any in Trust for me have or at the time of my Petition had or am or was in any Respect Intituled to in possession Remainder or Reversion Except my Personal Wearing Apparel and Bedding not exceeding Five pounds in Value in the whole and the Necessary Tools and Instruments of my Trade and Calling not Exceeding Five pounds in Value in the whole and that I have not at any time Since my Imprisonment or before directly or Indirectly Sold Leased Assigned or otherwise disposed of made over in Trust for my Self or otherwise other than is mentioned in such account any part of my Lands Estate or Goods Stock Money Debts or other Real and Personal Estate whereby to have or Expect any benefit or Profit to my Self or to defraud any of my Creditors to whom I am Indebted AND in case the prisoner Shall in open Court take the Said Oath. or Affirmation, and upon Such Examination and his or her Taking the oath, or Affirmation the Creditors Shall be Satisfied with the Truth thereof the Court may immediately order the Lauds Goods and effects contained in Such account or So much of them as may be Sufficient to Satisfy the Debts wherewith he or she is or shall be Charged together with Cost of Suit and the

Fees due to the keeper of the Goal or Prison of the City of New York to be by a Short Endorsement on the Back of Such petitions Assigned by the Prisoner to the Said Creditors or one or more of them in Trust for the Rest of them or to Some proper Person to be by the said Court Appointed in Trust for all the Creditors and by such Assignment the Estate Interest and property of the Lands Goods Debts and effects so assigned Shall be Vested in the Person or Persons to whom Such Assignment is or Shall be made who may take possession of or sue for the Same in his or their own name or names in like manner as Assignees of Commissioners of Bankrupts To which Suit no Release of the prisoner his or her Executors or Administrators or any Trustee for him or her Shall be any Bar And immediately upon Such Assignment Executed the said Prisoner Shall be discharged out of Custody by order of Court and Such order Shall be a Sufficient Warrant to the Sheriff Goaler or keeper of such Prison to discharge Such Prisoner if detained for the Causes mentioned in Such Petition and no other and he is hereby required to Discharge and Set him at Liberty forthwith Without Fee nor Shall Such Sheriff or Goaler be liable to any Action of Escape or other Suit or Information upon that account and the Person or Persons to whom the Said Effects Shall be Assigned paying the Fees to the Goaler or keeper of the Prison of the City of New York Shall be and are hereby Required to divide the Effects So assigned amongst the Creditors and all the Persons for whom they shall be intrusted in proportion to their Respective Debts but in Case the Person or Persons at whose suit Such Prisoner was Charged in Execution or any other process or any other CREDITORS Shall not be Satisfied with the Truth of Such Oath or Affirmation but Shall desire further time to inform himself of the matters Contained therein the said Court may and Shall Remand the said Prisoner and direct the said Prisoner and the Person or Persons dissatisfied with Such Oath or Affirmation to appear at another Day to be appointed by said Court and if at Such second Day So to be appointed the Creditor or Creditors So dissatisfied with Such Oath or Affirmation Shall make default in Appearing and in Case he or they Shall appear but Shall be unable to discover any Estate or Effects of the Prisoner omitted in Such his or her Petition or Shew any Probability of his or her having been forsworn or to have declared falsely in the Said Oath or Affirmation then the said Court Shall immediately Cause the



said Prisoner to be discharged upon such Assignment of his or her effects in manner as aforesaid unless such Creditor or Creditors do Insist upon his or her being detained in Prison and do agree by Writing under his hand to Pay and allow any Sum of Money that Shall be Assessed by the Court not Exceeding three Shillings per Week unto the Said Prisoner to be paid the Monday of every Week So long as he or She shall Continue in Prison at his her or their Suits on failure of the payment of which weekly Sum at any time the Said Prisoner Shall forthwith upon application to the Court be discharged by such order as Aforesaid But in Case the Prisoner Shall Refuse to take the Said Oath or Affirmation or having taken the Same Shall be detected of Falsity therein he or they Shall be presently Remanded.

AND be it further Enacted by the authority Aforesaid that no person to be discharged Shall at any time hereafter be imprisoned by Reason of any Judgment or Decree Obtained for Payment of money only or for any Debt Cost Sum or Sums of Money Contracted Occasioned owing or growing due before the time of his or her discharge but that upon every Arrest every Such Judgment or Decree for such Debts Cost Sum or Sums of Money It Shall and May be Lawfull for any Judge of the Court where the Process Issued upon Shewing the Duplicate of such Prisoners discharge or discharges to Release and discharge out of Custody Such Prisoner or Prisoners as Aforesaid and the Judge is hereby impowered So to do So as every Such Prisoner or Prisoners Arrested or detained in Execution or Process as Aforesaid do give a Warrant of attorney to appear to every Such Action and Plead thereunto.

AND be it further Enacted by the authority Aforesaid that if any Action of Escape or any Suit or Action be brought against any Sheriff Goaler or keeper of any Prison of the City of New York for performing their office in pursuance of this Act they may plead the General Issue and give this Act in Evidence and if the Plaintiff be nonsuited or discontinued his Action or Verdict pass Against him or Judgment upon Demurrer the Defendant Shall have Treble Costs Provided that THE discharge of any person by Virtue of this Act Shall not acquit any other Person from Such Debts Sum or Sums of money or any part thereof but that all others Shall be Answerable for the Same in Such manner as before the Passing of this Act AND provided

that this Act Shall not Extend to discharge any Person out of Prison who Shall Stand Charged at the Suit of the Crown only

PROVIDED ALWAYS and be it further Enacted by the Authority Aforesaid that Notwithstanding the discharge of the Person of such Prisoner or Prisoners as Aforesaid all and every Debt or Debts due and owing from the Said Prisoner or Prisoners and all and every Judgment and Judgments had and Taken and decree obtained Against him or her Shall Stand and be good and effectual in Law to all Intents and Purposes against the Lands Tenements Hereditaments Goods and Chattles of the Said prisoner so discharged as Aforesaid Which he she or they or any Person or Persons in Trust for him her or them at the time of such discharge hath or have or at any time hereafter shall or may be in any wise Seized or possessed of Interested in or Intitled to either in Law or Equity Except his her or their Wearing Apparel Bedding for his her or their Families and working Tools and Implements Necessary for his her or their Occupations not Exceeding the Value of Ten pounds in the Whole And it Shall and may be lawfull to & for such Creditor or Creditors of Such Prisoner or Prisoners So discharged as Aforesaid his her or their Executors or administrators to take out a new Execution against Such Lands Tennements Hereditaments Goods and Chattles of such Prisoner or Prisoners (except as before Excepted) for the Satisfaction of his her or their Debts in Such Sort manner and form as he she or they might have done if the Person or Persons of Such Prisoner or Prisoners had never been taken in Execution or other Process as Aforesaid Any Act Statue Law or Custom to the Contrary in any wise Notwithstanding

PROVIDED ALSO and be it further Enacted by the authority Aforesaid That if any Such Person who shall take Such Oath or Affirmation as Aforesaid Shall upon any Indictment of Perjury in any matter or Particular Contained in the said Oath or Affirmation be Convicted by his or their own Confession or by the Verdict of Twelve Men as he or she may be by force of this Act the Person So Convicted Shall suffer all the pains and Forfeitures which may by Law be Inflicted on any Person Convicted of Wilfull Perjury And Shall likewise be liable to be taken on any Process de Novo and Charged in Execution for the Said Debt in the same Manner as if he or She had never been discharged or taken in Execution before and shall never After have any benefit of this Act.



PROVIDED ALSO and be it further Enacted by the Authority Aforesaid that if the EFFECTS so Assigned shall not Extend to Satisfy the whole Debts Due to the Creditors of the Person or Persons so discharged and the Fees due to the Goaler there shall be an Abatement in Proportion and Such Goaler Shall come in as a Creditor for what Shall then be due to him for his Fees in proportion with other Creditors

AND be it further Enacted by the authority Aforesaid that where there are any mutual Debts between Such Debtor or Debtors and his her or their Creditors or if either party Sue or be Sued as Executors or Administrators where there are any Mutual Debts between the Testator or Intestate and either party one Debt shall be Set against the other and Such Matter may be given in Evidence upon the General Issue or Pleading in Bar as the Nature of the Case Shall Require So as at the time of pleading the General Issue when any Such Debts of the Plaintiff his Testator or Intestate is intended to be insisted on in Evidence Notice shall be given of the particular Sum or Debts So intended to be insisted on and upon what account it became due Otherwise Such matter Shall not be allowed in Evidence upon the General Issue PROVIDED that where any Rent Shall be due from any Prisoner or Prisoners at the time of his her or their respective discharges no Goods or Chattles then lying or being in or upon the Respective Tennements or Lands So in Lease or liable to be distrained Shall be Removed or Disposed of without Consent of the Landlord or person to whom the Rent is due untill the Same be paid Or Satisfied and that the Landlord may use all Lawfull ways for having and Recovering his Rent So as that the same Exceed not one Years Rent by distress or otherwise as he might have had or Could have done before the making this Act Any thing herein Contained to the Contrary in any wise notwithstanding AND provided also that this Act shall not Bar any Absent or distant Creditors who had not Notice of the Prisoners Application to the Court as Aforesaid.

AND WHEREAS Sveral Persons are now in Goal in the County of Westchester, who are as Unable to Pay their Debts as those Committed in the City of New York

BE IT THEREFORE Enacted by the authority Aforesaid That the Prisoners in Westchester County Shall be and hereby are Entitled to the like Relief with Respect to the Imprisonment of their Persons as the Prisoners in the City of New York th Respect to the Imprisonment of their Persons in as

full and Ample manner as if they had been Particularly mentioned in the Body of this Act

AND be it Enacted by the authority Aforesaid that one Judge and three Assistant Justices in the County of Westchester Shall be and hereby are empowered to put this Act in Execution in the Same Form and manner as the Court in the City of New York is directed to do in and by this Act.

AND be it further Enacted by the authority Aforesaid that this Act Shall be in Force from the Publication thereof untill the first day of January which will be in the Year of our Lord One thousand Seven hundred and fifty Six.

[CHAPTER 966.]

[Chapter 966 of Van Schaack, and chapter 45 (vol. 2) of Livingston & Smith, where the title only is printed.]

An Act for raising a sum not exceeding the sum of one Hundred Pounds on the Freeholders and Inhabitants of that part of Orange County which lies to the Northward of the Mountains for Repairing the Court house in Goshen and making an addition therto.

[Passed, December 7, 1754.]

WHEREAS the Court House in Goshen in Orange County wants Several Repairs and is too Small to Answer the purposes for which it was intended, BE IT THEREFORE ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the authority of the Same That it Shall and may be Lawfull to and for the Justices of the Peace on the Northward of the Mountains within the Said County or the greater Number of them to Raise Levy and Collect of from and upon all and every Freeholder Inhabitant and Sojourner within the Said County to the Northward of the Mountains a Sum not exceeding the Sum of One Hundred Pounds for Repairing the Court house and Building an addition thereto Suitable for the Court and Jurors, That is to Say the Sum of Fifty Pounds immediately after publication of this Act and the other Fifty Pounds immediately After the last Tresday of October Next And the Money's So to be Raised Shall be Assessed Levied and Collected in the Same manner as the other Necessary and Contingent Charges of the Said County are

AND be it further Enacted by the authority Aforesaid that



the money to be Raised Levied and Collected by virtue of this Act Shall be paid by the Several and Respective Collectors into the hands of Benjamin Carpenter John Carpenter Hatter and John Stuard or either of them as managers thereof, that is to Say, the first mentioned Sum of Fifty Pounds on or before the first Day of May Next And the other Sum of Fifty Pounds on or before the first Day of May which will be in the Year of our Lord one thousand Seven hundred and Fifty Six And by Them to be employed and Paid for such Materials and workmanship as the Majority of them shall think proper and Convenient for the purposes aforesaid And for the due disposition of the said sum of one hundred pounds the Said Manager Shall Rneder an account on Oath when thereunto Required by the Justices Aforesaid or the greater Number of them how the Same hath been employed and disposed of.

[CHAPTER 967.]

[Chapter 967 of Van Schaack, and chapter 46 (vol. 2) of Livingston & Smith, where the act is printed in full.]

An Act to Enable the Freeholders being Inhabitants of the West Division of the County of Richmond to Chuse and Elect yearly at their Town Meeting two Constables for the Said Division

[Passed, December 7, 1754.]

WHEREAS the West Division within the County of Richmond is very Extensive being in length no less than Twelve Miles and it frequently happens that the Constable Elected for the Said Division Resides at one of the Extreme parts of the Said Division which Proves inconvenient for Such Person or Persons who have occasion to bring or Send a Summons or Warrant to the Constable as the Case may happen who Resides at the other Extreme part of the Said Division which is often the Case and occasions the Cost to be increased by Miliage in the Court of Forty Shillings for Remedy whereof BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the same That the Freeholders being Inhabitants of the Said West Division Shall be and hereby are impowered at their Annual Town Meeting on the first Tuesday in April yearly to Elect & a two Constables for the said Division if they Shall Judge

It Necessary and such Person or Persons so Chosen and Elected as aforesaid Shall Serve as Constable or Constables for the then Ensuing year until there be other or others Chosen Elected and Qualified according to Law in their Room and Stead And every such Person or Persons So Chosen and Elected as Aforesaid who Shall Refuse or Neglect to Qualify and Serve as is before directed Shall forfeit for every Such offence the Sum of Forty Shillings to be Recovered before any one of his Majesties Justices of the Peace for the said County by such Person or Persons who shall Prosecute and Sue for the Same And in Such Case it Shall and may be Lawfull for any two Justices of the Peace living in the said Division or the two Nighest Justices of the Peace to the said Division to Appoint Some fit Person or Persons to Execute the office of Constable for the said place where Such Refusal or neglect Shall happen until a new Election Shall be made at the time or times before Mentioned and every Such Constable or Constables So appointed as Aforesaid Shall be Subject and liable to the like Penalty for Neglecting or Refusing to Serve as those Elected and Chosen in manner Aforesaid

AND it is hereby Enacted by the Authority Aforesaid that Such Person or Persons who shall be Elected Chosen or appointed in manner as Aforesaid Shall not be liable to Serve as Constable again within four Years After And the Fine or Fines imposed by this Act Shall be applied for the maintenance of the Poor of the Said Division any Law Usage or Custom to the Contrary Notwithstanding

#### [CHAPTER 968.]

[Chapter 968, of Van Schaack, and chapter 47 (vol. 2) of Livingston & Smith, where the title only is printed. Revived by chapter 985.]

An Act for Raising the Sum of One thousand one hundred and Twenty five Pounds by a publick Lottery for a further Provision towards founding a College for the advancement of Learning within this Colony.

[Passed, December 7, 1754.]

INASMUCH as it will greatly Tend to the welfare and Reputation of the Colony that a proper and ample foundation be laid for the Regular Education of Youth and as So good and laudable



a designe must Readily Excite the Inhabitants of this Colony to become adventurers in a Lottery of which the Profits Shall be Employed for founding a College for that Purpose.

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the authority of the same that a Lottery be Erected within this Colony and that for and towards the Raising the sum of One thousand one hundred and Twenty five pounds It shall and may be Lawfull for any person or Persons Native or Foreigners Bodies Politick or Corporate to Contribute by Paying at or before the Respective times by this act Limited in that behalf to any Person or Persons herein after to be appointed for that Purpose the sum of One Pound Ten Shillings or divers entire Sums of One Pound Ten Shillings upon this Act and that every Contributor or adventurer for every such Sum of One pound Ten Shillings Which he she or they shall so advance Shall be Interested in such Lot or share of and in the said Lottery established by this Act as is herein After Directed and appointed and the same Entire Sums of one pound Ten Shillings each are hereby appointed to be paid unto such Person or Persons Aforesaid on or before the first Tuesday in June Next

AND be it further Enacted by the authority Aforesaid That Abraham Van Wyck and Abraham Leynsen Esquires Shall be Managers for preparing and delivering out Tickets Receiving the money for the Said Tickets and to oversee the Drawing of Lotts and to order do and perform such other matters and things as are hereafter in and by this act directed and appointed by such managers to be done and performed and that Such Managers Shall meet together from time to time at Some Publick place as to them Shall seem most Convenient for the Execution of the Powers and Trust in them Reposed by this Act and that the said managers Shall Cause Books to be prepared in which every leaf shall be divided or distinguished into three Columns and upon the Innermost of the said three Columns there Shall be printed Five Thousand Tickets Number one two three and So onward in Arithmitical progression where the Common Excess is to be one untill they Rise to Number Five thousand and upon the Middle Column in every of the Said Books there SHALL be Printed Five thousand Tickets of the Same breadth and form and Numbered in like manner and in the Extreme Column of the Said Books there Shall be Printed a third Rank or Series of Tickets of the Same Number with those of

the other Columns which Tickets Shall Severally be of an oblong figure and in the said Books Shall be joined with oblique lines flourishes or devices in Such manner as the Said Manager shall think most Safe and Convenient and that every Ticket in the Extreme or third Column of the Said Books Shall have printed there upon besides the Number the following Words Videlicet "The Possessor of this Ticket if drawn a Prize Shall be Intituled to the Prize so drawn Subject to Such deduction as is directed by an Act of this Colony in that behalf"

AND be it further Enacted by the authority Aforesaid that the Said Managers Shall Carefully Examine all the said Books with the Tickets therein and that the Same be Contrived Numbered and made according to the True intent and Meaning of this Act and all and every Such manager or Managers Respectively is and are hereby directed and Required upon his or their Receiving of every or any Entire Sum of One pound Ten Shillings in full payment for a Ticket from any Person or Persons Contributing or adventuring as Aforesaid to Cut out of Said Book or Books through the said oblique lines flourishes or devices Indentwise a Ticket of the Tickets in the Said Extreme Column Which one of said Managers Shall sign with his own Name and he or they shall permit the Contributor or adventurer (if it be desired) to Write his or her name or Mark on the Two Corresponding Tickets in the same Book And at the Same time the Said Managers or one of them Shall deliver unto the Said Contributor or adventurer the Ticket So Cut off which he she or they are to keep and use for the better ascertaining and Securing the Interest which he she or they his her or their Executors administrators or Assigns Shall or may have in Said Lottery for the Money's so by him her or them Contributed or Adventured untill the said Adventure by the Drawing of Lots and the payment of such Tickets as Shall be fortunate Shall be fully Determined.

AND be it further Enacted That the said Managers at a meeting as Aforesaid Shall Cause all the Tickets of the middle Column in the Books to be Cut Indentwise through the said oblique lines flourishes or devices and Carefully Roled up as much alike as may be and made fast with thread and in the presence of such Contributors or adventurers as will be there present Cause all the said Tickets which are to be Roled up and made fast as Aforesaid to be put into a Box prepared for that purpose and to be marked with the Letter (A) which is presently



to be put into another Strong Box and to be Locked up with two different Locks and Keys to be kept by as many Managers and Sealed with their Seals untill the said Tickets are to be drawn as is herein After Mentioned and THAT the Tickets in the first and Innermost Column of the said Books Shall remain Still in the Books for discovering any mistake or fraud if any Such Should happen to be committed Contrary to the True intent and Meaning of this Act.

AND be it further Enacted by the Same Authority that the managers before mentioned Shall Cause to be prepared other Books in which every leaf shall be divided or distinguished in Two Columns and upon the Innermost of these Two Columns there Shall be printed Five thousand Tickets and upon the outermost of the said Two Columns there Shall be printed five thousand all which Shall be of Equal Length and Breadth as near as may be which two Columns in the Said Books Shall be Joined with Some flourishes or Devices through which the outer most Ticket may be Cut off Indentwise and that One thousand and Ninety four Tickets part of those to be Contained in the outermost Column of the Books last Mentioned Shall be Called fortunate Tickets to which Benefits Shall belong as herein After mentioned and the Said Managers Shall Cause the Said Fortunate Tickets to be Written upon or otherwise Expressed as well in figures as in Words at Length in manner following that is to Say upon one of them Five hundred pounds upon one other of them Two hundred pounds upon two others of them Severally One hundred Pounds upon Ten other of them Severally Fifty Pounds upon Thirty other of them Severally Twenty Pounds upon Fifty other of them Severally Ten pounds upon one thousand of them severally Five Pounds which Sums So to be Written or otherwise Expressed upon the Said Fortunate Tickets will amount in the whole to the Sum of Seven thousand five hundred pounds which is the produce of Five thousand Tickets according to the Valuation of one Pound Ten Shillings for each Ticket as before mentioned

AND be it further Enacted by the authority aforesaid that the Managers before mentioned Shall Cause all the said Tickets Contained in the outermost Column of the last mentioned Books in the presence of Such Contributors or adventurers as will then be there present to be Cut out Indentwise through the Said flourishes or Devices and Carefully Roled up as near as may be alike and fastened with thread and put into another Box to be

prepared for that purpose and to be marked with the Letter (B) which Box shall presently be put into another Strong Box and Locked up and Sealed in the manner as the Box Lettered (A) untill these Tickets shall also be drawn in the manner and form hereafter mentioned and that no money Shall be Received from any Contributor or adventurer towards this adventure as Aforesaid After the first Tuesday in June next and the whole Business of Roling up and Cutting off and Putting in the Said Boxes the Said Tickets and Locking up and Sealing the Said Boxes Shall be performed by the Said Managers on or before the SAID first Tuesday in June Next And to the End every Person Concerned may be well Assured that the Counter part of the Same Number with his or her Ticket is put into the Box marked with the Letter (A) from whence the same may be drawn and that other Matters are done as hereby directed some publick Notification in Print shall be given of the precise time or times of Cutting the said Tickets and Putting them into the Boxes to the end that Such adventurers as Shall be minded to See the Same done may be present at the doing thereof.

And be it further Enacted by the authority Aforesaid that on or before the first Tuesday in June Next the said Managers Shall Cause the Said Several Boxes with all the Tickets therein to be brought into the City Hall of the City of New York by Nine of the Clock in the forenoon of the same Day and shall then and there attend the Service in order for Drawing with Two Clerks with Books prepared for that purpose to enter down all the fortunate Tickets And the Said Managers being prepared for Drawing Shall Cause the two Boxes Containing the said Tickets to be severally taken out of the other Two Boxes in which they Shall have been Locked up and the Tickets or Lots in the Respective innermost Boxes being in the presence of the said Managers and of Such Adventurers as will be there present for the satisfaction of themselves well Shaken and mingled in each Box Distinctly and some one indifferent and fit person to be appointed and directed by the managers Shall take out and draw one Ticket from the Box where the said Numbered Tickets Shall be as aforesaid put And one other Indifferent and fit person to be appointed and directed in Like Manner Shall immediately draw a Ticket or Lot from the Box where the One thousand and Ninety four fortunate and Three thousand Nine hundred and Six Blanck Tickets Shall be promiscuously put as Aforesaid And immediately both the Tickets So drawn Shall be opened



and the Number as well of the fortunate as the Blank Tickets Shall be named aloud and if the Ticket Taken or drawn from the Box Containing the fortunate and Blank Lots Shall appear to be Blank then the Numbered Ticket So drawn with the said Blank at the Same time drawn Shall be Wrote upon Blank and Shall both be put on one file and if the Ticket so drawn or taken out of the Box Containing the fortunate and Blank Lots Shall appear to be one of the fortunate Tickets then the sum Written upon Such fortunate Tickets (Whatever it may be) Shall be Entered by the Clerks so Appointed into the Books prepared for that purpose together with the Number coming up with the said Fortunate Ticket and one of the Said Managers Shall Set their name as a Witness to every Such entry and the Said fortunate and numbered tickets So drawn together Shall be put upon another file and So the said Drawing of the Tickets Shall Continue by Taking one Ticket at a time out of each Box and with opening Naming Aloud AND filing the same and by Entering the fortunate Lots in such manner as is before mentioned untill the whole Number of One thousand and Ninety four fortunate Tickets Shall be compleatly drawn and if the same Cannot be performed in one days time the Said Managers Shall Cause the Boxes to be Locked up and Sealed in the manner as Aforesaid and Adjourn till the next Day and So from Day to Day and every Day (except Sunday) and then open the Same and proceed as above till the said Whole Number of Fortunate Tickets Shall be Compleatly drawn as Aforesaid

AND to the End that the adventurers may have all possible Satisfaction in the due Regular and just management of the said Lottery BE IT ENACTED by the authority Aforesaid that the Mayor Recorder Aldermen and Commonalty of the City of New York may and are hereby impowered to appoint every Day during the whole Course of the Lottery two or more of their Body to Inspect all and every Transaction of the said Lottery hereby directed and Required and that each County in the Colony may and are hereby impowered if they See Cause to depute Two Justices of the Peace or other Reputable Freeholders or Inhabitants for the Aforesaid Inspection with Proper Certificates of their being So deputed from the Next or any subsequent General Sessions of the Peace and the Said Managers are hereby directed and required to admit them and the Said Members of the Said Corporation to the aforesaid Inspection

dingly

AND be it further Enacted by the authority Aforesaid That immediately After the Drawing be finished the said Managers are hereby required to Publish in the New York Gazette the Number drawn against the fortunate Lots with the Prizes or Sums drawn by or belonging to each of them Respectively and as Soon as the drawing Shall be over Shall pay the said Sums to Such Person who shall produce Tickets with the Numbers drawn Against Such fortunate Lots they the Said Managers first Deducting Fifteen per Cent out of said Fortunate Lots to be applied as herein After directed.

AND be it further Enacted by the authority aforesaid that if any Person or Persons Shall forge or Counterfeit any Ticket or Tickets to be made forth on this Act or alter any of the Numbers thereof or bring any Forged or Counterfeited Tickets or any Ticket whereof the Number is Altered Knowing the same to be Such to the Said Managers or either of them to the Intent to defraud the Colony or any Contributor or adventurer or the Executors Administrators or Assigns of any Contributor or Adventurer upon this Act that then every Such Person or Persons (being thereof Convicted in due form of Law) Shall be adjudged a Felon and Shall Suffer Death as in Case of Felony without benefit of Clergy and the Said Managers or either of them are hereby Authorized Required and impowered to Cause any Person or Persons bringing Such Altered forged or Counterfeited Ticket or Tickets as aforesaid TO be apprehended and to Commit him her or them to his Majesties Goal of the City of New York to be proceeded against for the Said felony According to Law

AND be it further Enacted by the authority Aforesaid that every of the Managers hereby Appointed for putting this Act in Execution before his Acting in Such Commission Shall take the Oath following that is to Say I A, B, do swear that I will faithfully Execute the Trust Reposed in me and that I will not use any Indirect Art or Means or permit or direct any Person to use any Indirect art or Means to obtain a Prize or fortunate Lot for my self or any person whatsoever and that I will use the utmost of my Endeavors to prevent any undue or Sinister Practice to be done by any Person Whatsoever and that I will to the best of my Judgment declare to whom any Prize Lot or Ticket of Right does belong according to the True Intent of the Act of Governor Council and General Assembly passed in the Year of our Lord one thousand Seven hundred and fifty four in that



behalf which Oath Shall be administered by one of the Justices of the Supreme Court of this Colony

PROVIDED ALWAYS and be it Enacted by the Authority Aforesaid that the Managers hereby appointed before they take the Oath prescribed by this Act or Perform or Execute any thing therein Contained Shall first Enter into the following Recognizances to our Sovereign Lord the King his Heirs and Successors that is to Say each of them before one of the Justices of the Supreme Court in the Sum of Two Thousand Five hundred pounds with Two Sufficient Sureties each in half that Sum Conditioned that they Shall and will well and truly each for his part Execute the Trust Reposed in them by this Act and well and truly observe do and perform all the directions thereby required to be done and performed by them according to the True intent and Meaning thereof Which Several Recognizances are to be delivered to the Treasurer by the Justice before whom the Same Shall be So taken (having first Caused the same to be Recorded in the Minutes of the supreme Court) in order to be Lodged in the Treasury

AND be it further Enacted by the Authority Aforesaid that the several Deductions of Fifteen per Cent upon the whole Number of Fortunate Tickets Shall be paid into the hands of the Trustees Appointed in and by an Act Entituled "An Act for Vesting in Trustees the Sum of Three thousand four hundred and forty three Pounds Eighteen Shillings raised by way of Lottery for Erecting a College within this Colony" Passed in the Twenty fifth Year of his Majesties Reign to be by them put out at Interest according to the Directions of the Said Act untill the Same Shall be employed by some future Act for and towards founding a College for the advancement of Learning within this Colony by the managers hereof out of which Nevertheless there Shall be allowed by the Said Trustees in case the Lottery be actually drawn the FOLLOWNG Sums VIZ'T To each of the said Managers the Sum of Fifty Pounds to each of the Two Clerks Six Shillings per Diem for every day they Shall be actually employed in Said Drawing to each of the Two Persons who shall draw the Tickets three shillings per Diem for every Day they Shall be so employed and all Reasonable Charges for Printing Books Tickets and advertizements and such other Incidents as may Necessarily be Required in the said Lottery.

AND be it further Enacted by the Authority Aforesaid that no Fee or Gratuity whatsoever Shall or may be demanded or

taken, of any Person or Persons Contributors or adventurers to the Lottery Aforesaid by any Manager or Managers or any other officer or officers appointed by this Act for any thing that Shall be done Pursuant to this Act upon pain that any officer or Person offending by taking any Fee or Gratuity Contrary to this Act Shall forfeit the sum of Fifty pounds to the Party grieved to be Recovered with full Costs in any of his Majesties Courts of Record within this Colony.

AND be it Enacted by the Authority Aforesaid that in Case all the Said Five thousand Tickets Shall not be Sold and disposed of before the Said first Tuesday in June Next that then the Money that has been Received for any Ticket or Tickets by Virtue of this Act Shall be by the Said Managers Be paid to the person or Persons of whom the same Shall have been Received his her or their Executors Administrators or Assigns he she or they first producing the Several Tickets for which Such Repayment Shall be Required And the Lottery hereby Erected and made Shall from thenceforth become Void any thing in this Act Contained to the Contrary hereof Notwithstanding And in Such Case the Treasurer of this Colony shall Pay out of any Money then in the Treasury (except such as Shall be appropriated for the Support of Government) the Several Incidents before Mentioned upon proper Certificates Signed by the said Managers and Receipts thereon Shall be good Vouchers to him for the payment thereof for the amount of which the General Assembly Shall and will provide ways and means to Repay and Replace the Same.

PROVIDED AND BE IT ENACTED that in case the Said Five thousand Tickets Aforesaid be Sold and disposed of in the Manner Aforesaid before the first Tuesday in June Next that then the Managers Shall proceed to drawing the Lots in Manner Aforesaid first giving Publick notice thereof in the New York Post Boy at least fourteen days before the Drawing the Same any thing in this Act to the Contrary Notwithstanding

AND be it further Enacted by the Authority Aforesaid that if either of the before mentioned Managers Shall happen to Die Remove out of this Colony OR Refuse to Act according to the Several and Respective Powers and Authorities hereby directed and Required it Shall and may be Lawfull to and for the Governor or Commander in Cheif for the time being by and with the advice and Consent of his Majesties Council to Nominate and appoint Some other Fit Person or Persons to be Manager or



Managers in the place and stead of the Manager or Managers So Dying removing or Refusing to Act as Aforesaid any thing herein Contained to the Contrary Notwithstanding PROVIDED that the person or Persons who may be So appointed Shall be obliged to take the like Oath enter into the like Recognizances and Sureties as is herein directed to be done by the Managers Named in this Act and be in all Respects as Subject to Observe and perform the Several directions of this Act as if he or they had been named or appointed in it.

[CHAPTER 969.]

[Chapter 969, of Van Schaack, and chapter 48 (vol. 2) of Livingston & Smith, where the title only is printed. Livingston & Smith and Van Schaack, state that this act was repealed by the king.]

An Act for submitting the Controversy  
between the Colonies of New York and New  
Jersey relating to the Partition Line between  
the said Colonies to the final Determination of  
his Majesty

[Passed, December 7, 1754.]

WHEREAS it is absolutely Necessary for the Peace and Tranquility of this Colony and the Province of New Jersey and for the Regular administration of Justice within the same that Some Certain Line both of property and Jurisdiction be Settled and determined as and for the Division Line between this Province and New Jersey for ever AND altho' his most Gracious Majesty hath the Sole and Absolute Right of fixing and Determining Such Line of Jurisdiction as Aforesaid Yet it is Conceived that either the consent of all the parties Interested or in the Room thereof An Act or Acts of the Respective Legislatures of this Colony and of New Jersey is or are absolutely Necessary in order to Render Such Determination binding and effectual with Respect to private property as the same is Claimed by the Respective Inhabitants of this Colony and New Jersey in virtue of their Several Titles under the Crown AND WHEREAS the multiplicity of Rights and the State and Condition of the Same as well on the part of those Claiming under this Colony as of those Claiming under New Jersey render it impossible to obtain Such Consent as Aforesaid AND WHEREAS the Several places in which the stations ought to be FIXED for the Partition Line between this Colony and New Jersey are the only matters in

Controversy between this Colony and New Jersey and are to be fixed and adjusted upon a proper Construction of Certain Patents or Grants of the Crown and Acts of Assembly of this Colony and of New Jersey and other Deeds in Writing and Matters of Written Evidence which may as well be done in England as in this Colony or New Jersey AND WHEREAS it is conceived that an humble Submission of the Controversy Relating to the Line of property between this Colony and New Jersey to his most Gracious Majesty will be the most effectually Means to Secure ample and Compleat Justice to the parties Interested in the Said Controversy.

BE IT therefore Enacted by the authority Aforesaid that the Fixing and location of the stations of such Division Line of Property as Aforesaid between this Colony and New Jersey Shall be and is hereby humbly submitted to be finally and absolutely Settled and determined by his most Gracious Majesty in such manner as to his Said Majesty Shall Seem fit and Right which stations of the Said Division Line of property between this Colony and New Jersey whensoever the same shall be fixed Settled and determined in manner as Aforesaid Shall be fully Absolutely and Compleatly binding upon and Conclusive to the Claims Rights and Interests of all and every person or Persons Whatsoever Claiming or to Claim any share part or Proportion of and in the several Patents heretofore Granted by the Crown within this Colony that Border on New Jersey either by the Express words of such Patents or by Necessary Implication and their heirs and Assigns for Ever and shall on the part of this Colony and all his Majesties Subjects Dwelling and Residing or Claiming Lands within the same be and Remain the Stations of and for the Division Line of property between this Colony and the Province of New Jersey for Ever PROVIDED ALWAYS that the Patentees and Proprietors of the Respective Patents of Minisink and Wawayanda do not extend their Claims further than the Supposed Line in the year Sixteen hundred and Eighty Six

AND WHEREAS it is humbly Conceived to be necessary that Some Certain time be limited by his Said most Gracious Majesty for a hearing or hearings of in and Relating to the said Controversy in order that all Parties interested therein may have an opportunity of preparing for the same BE IT THEREFORE ENACTED by the authority Aforesaid that the time or times for such hearing or Hearings as Aforesaid is and are hereby also



humbly Submitted to his said most Gracious Majesty to be by him fixed and determined and to be notified in such manner as his said Majesty Shall be graciously pleased to order and Direct.

AND be it further Enacted by the authority Aforesaid that the Record of the Said Stations of and for the Division Line of property (whensoever the same Shall be determined as aforesaid) in the proper office in England and the Exemplification thereof under the Great Seal of England and the Record of such Exemplification in the Respective Colony's of New York and New Jersey and any and every of them Shall be good Evidence of such Stations of and for the Division Line of property aforesaid in any and every of his Majesties Courts of Law and Equity whatsoever and wheresoever within this Colony

BE IT FURTHER ENACTED by the authority Aforesaid that after the said Stations Shall be so fixed Settled and determined as aforesaid a direct Line between the said Stations (to be Run by such Persons and in such Manner as his said most Gracious Majesty Shall be pleased to appoint and direct) shall be Enure Continue and Remain to this Colony and all Persons dwelling Residing holding Possessing or Claiming Lands by Title within and under the same as and for the Division Line of Property between this Colony and New Jersey forever

#### [CHAPTER 970.]

[Chapter 970, of Van Schaack, where the title only is printed. Chapter 49 (vol. 2) of Livingston & Smith, where part of the act is printed.]

An Act for Raising a Supply of Forty five thousand Pounds by a Tax on Estates Real and Personal for putting this Colony into a proper Posture of Defence for furthering his Majesties designs against his Enemy's in North America and other the purposes therein Mentioned; for Emitting Bills of Credit for the like Sum and for Sinking and Cancelling the Said Bills in Short Periods.

[Passed, February 19, 1755.]

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same That there Shall be given and Granted unto His Majesty His Heirs and Successors to and for the uses

and purposes herein Mentioned and to no other use and purpose whatsoever the sum of Forty Five thousand Pounds which Shall be Assessed Raised and Levied upon the Estates Real and Personal of all and every the Freeholders Inhabitants and Residents within this Colony and Shall be Collected and Paid in Manner following That is to Say The Sum of Five thousand pounds on or before the first Tuesday in November which will be in the Year of our Lord One thousand Seven Hundred and Fifty Six The Sum of Ten thousand pounds on or before the first Tuesday in November which will be in the Year of Our Lord One thousand Seven Hundred and fifty Seven The like Sum of Ten thousand pounds on or before the first Tuesday in November which will be in the Year of our Lord One thousand Seven Hundred and fifty Eight The like Sum of Ten thousand Pounds on or before the first Tuesday in November which will be in the Year of Our Lord One thousand Seven Hundred and fifty Nine And the like Sum of Ten thousand Pounds on or before the first Tuesday in November which will be in the Year of our Lord One Thousand Seven Hundred and Sixty WHICH said Sum of Five thousand pounds and the Said Sums of Ten thousand Pounds hereby appointed to be paid on the days and times before mentioned Shall be Yearly Raised Levied and paid by the freeholders Inhabitants and Residents in the Several and Respective City's and County's within this Colony during the Five Years above mentioned according to the Quota's and proportions following That is to Say

In the City and County of New York the Sum of Sixteen Hundred and Sixty Six pounds towards the said Five thousand Pounds

In the City and County of Albany the Sum of Five Hundred and Thirty Pounds towards the Said Five thousand Pounds

In Kings County the sum of Two hundred and Forty two Pounds towards the said Five Thousand Pounds.

In Queens County the Sum of Five Hundred Pounds towards the said Five thousand Pounds

In Suffolk County the sum of Four hundred and Thirty Pounds towards the said Five thousand Pounds

In Richmond County the sum of One hundred and Fifty Two Pounds towards the said Five thousand Pounds

In Westchester County the sum of Five Hundred Pounds towards the said Five thousand Pounds



In Ulster County the Sum of Four hundred and Thirty Pounds towards the Said Five thousand Pounds.

In Dutchess County the Sum of Four hundred Pounds towards the said Five thousand Pounds.

And In Orange County the sum of One Hundred and Fifty Pounds towards the Said Five thousand Pounds.

AND for and towards the said Sum of Ten thousand Pounds Shall be Paid Annually in the City and County of New York for four Years the Sum of Three thousand Three hundred and Thirty two Pounds

In the City and County of Albany Yearly during the said time the sum of one thousand and Sixty Pounds

In Kings County Yearly during the said time the sum of Four hundred and Eighty four Pounds

In Queens County Yearly during the said time the sum of One thousand Pounds.

In Suffolk County Yearly during the Said time the sum of Eight hundred and Sixty Pounds.

In Richmond County Yearly during the said time the sum of Three hundred and Four Pounds.

In Westchester County Yearly during the Said time the Sum of One thousand Pounds.

In Ulster County Yearly during the said time the sum of Eight hundred and Sixty Pounds.

In Dutchess County Yearly during the said time the Sum of Eight Hundred Pounds.

And in Orange County Yearly during the Said time the Sum of Three Hundred Pounds.

AND to the End the full Sum intended to be Raised by this Act may be Effective and Compleat BE IT ENACTED by the authority Aforesaid That over and Above the Several Quota's above mentioned there shall be Raised Assessed Levied and Collected the Respective Sums following That is to Say On the Quota for the City and County of New York the sum of Nine pence over and above every Pound to be Retained in the hands of the Several Collectors as a Reward for their Trouble in Collecting and paying the same to the Treasurer of this Colony And on the Quota's for the City and County of Albany and all the other Counties in this Colony the sum of One Shilling over and Above every Pound out of which the Several Collectors may Retain in their hands the Sum of Nine Pence on each Pound

for Collecting and Paying the same to the several County Treasurers and the Remaining three pence the County Treasurers Respectively may Retain in their hands as a Reward for their Trouble and Service in Receiving and Paying the money's arising by this Act To the Treasurer of this Colony.

AND to the end Assessments may be made in such Convenient time by the Assessors that the Sums intended to be Raised by this Act may be Collected and paid at the Times herein after mentioned and Appointed And that the Assessments may be true, Equally and impartially Made as of Right they ought to be BE IT ENACTED by the Authority Aforesaid That the Mayor Recorder and Aldermen of the City and County of New York or the greater PART of them for the time being Shall meet and Assemble at the City Hall of the said City on the first Tuesday in June in every Year during the Said Five Years and then and there Issue their Warrants to the Several and Respective Assessors Aforesaid to take a true and Exact account of all the Estates Real and Personal of all the Freeholders Inhabitants and Residents within the Several Wards of the said City and County for which they at the time of Issuing Such Warrants Shall be Assessor or Assessors and a true Equal and impartial Assessment to make and the Same at the Day in the said Warrant to be prefixed by the Mayor or Recorder and Aldermen or the Major part of them then met to Exhibit and when the Said Assessments are by the Said Assessors Completed and a full account of the Same fully Cast up according to the Pound Value of the Said Estates So that the Quota with the allowance for the City and County of New York be Apparent and made known then the Said Mayor Recorder and Aldermen or the Major part of them shall Issue their Warrants to the several and Respective Collectors within the said City and County to Collect the Quota with the allowance by this Act Directed and that the Same be paid unto the Treasurer of this Colony on or before the first Tuesday in November Yearly and every Year during the said Term of Five Years.

AND in order that the Assessments may be truly equally and impartially made and Done BE IT ENACTED by the Authority Aforesaid That every Assessor that Shall be Chosen and Elected within the City and County of New York during the Term Aforesaid Shall before he Enters upon the performance of the Duty and Service Required of him by this Act take an Oath upon the



Holy Evangelists of Almighty God in the words following to Wit—I A. B. do Swear that I will well and truly equally and impartially and in due Proportion according to the best of my Skill Knowledge and understanding Assess and Rate all the Freeholders Inhabitants and Residents of the Ward for which I am Chosen Assessor.—Which Oath the said Mayor Recorder and Aldermen or the Major part of them So met are hereby impowered required and directed to Administer.

AND for the effectual Assessing Collecting and paying the Respective Quota's for the City and County of Albany and all the other County's in this Colony together with the before Mentioned Allowance to the Collectors and County Treasurers BE IT ENACTED by the Authority Aforesaid That the Supervizors of the said City and County and of all the other Respective of the said City and County and of all the other Respectively Shall meet on the first Tuesday in June in every Year during the Said Term where the Majority of Supervizors then met Shall Cause the Respective Quota's and allowances Aforesaid of each County to be Raised Assessed levied and Collected in the Same manner as the other Necessary and Contingent Charges thereof are And the Respective Collectors are hereby Required and Enjoined to Pay the Respective Quota's to be by them Collected unto the Respective County Treasurers on or before the first Tuesday in October Yearly AND every Year during the Said Term and each of the Said County Treasurers are hereby enjoined and required to Pay the Respective Quota's of their County's to the Treasurer of this Colony on or before the first Tuesday of November then next following during the Said Term

AND BE IT FURTHER ENACTED by the Authority Aforesaid That in Case any of the Collectors Shall Neglect or delay to make their Respective Payments to the Respective County Treasurers for the Space of three Months next after the times apointed by this Act The Said County Treasurers Shall be and hereby are Enabled Directed and Required to Commence Actions in their own Names Respectively for the said Sum or Sums or Such part thereof as Shall be then unpaid in the County Court where such default Shall happen and Prosecute the same to effect and in Case any of the Respective County Treasurers Shall Neglect their Respective Duties herein all Such Sum or Sums of Money Shall be deemed taken and esteemed Assets in their hands Respectively and they Shall be Charged therewith as having

Received the Same by the Treasurer of this Colony who Shall be and hereby is enabled directed and Required in his own Name to Commence Actions for the same in the Supreme Court of this Colony within one Month after Such default made by any of the County Treasurers Respectively and Prosecute the Same to effect AND in case the Treasurer of this Colony Shall Neglect his duty herein all Such Sum or Sums of Money so being unpaid Shall be deemed taken and Esteemed Assets in his hands and he shall be Chargeable therewith as if he had Actually received the same AND in case any of the Collectors of the City and County of New York Shall Neglect or delay making their Payments of the Aforesaid Tax for one Month after the times directed by this Act the Said Treasurer Shall be and hereby is Enabled directed and Required in his own name to Commence Actions Against Such Defaulter or Defaulters and Prosecute the same to effect And in default of such Prosecution the Money so unpaid shall be demed taken and esteemed Assets in his Hands as if he had Actually received the Same Any Law Usage or Custom to the Contrary Notwithstanding

AND BE IT ENACTED by the Authority Aforesaid That Such Mayor Recorder Aldermen Supervizors Assessors Collectors or County Treasurers within this Colony as Shall Deny or Refuse Neglect or delay to do perform and Execute all or any of the Powers Duty's and Authority's by this Act Required of him or them to be done and Shall be thereof Lawfully Convicted in any of his Majesty's Courts of Record he or they Shall Suffer Such pains by fine and Imprisonment as by the discretion of Such Court or Courts Shall be adjudged.

AND BE IT ENACTED by the Authority Aforesaid That the Moneys to be Raised by this Act Shall by the Treasurer of this Colony for the time being be Paid and Applied to the following uses and purposes and to no other use or purpose whatsoever That is to Say,

Unto Christopher Bancker and John Dies, the Sum of Twenty Thousand Pounds to be by them employed in amending and Repairing the Fortifications of the City of New York and Erecting Such other Works for the better defence and security thereof as shall be Judged Necessary in Such Manner as Shall be ordered and directed by his Honour the Lieutenant Governor or Commander in Chief for the time being by and with the advice of his Majesties Council of this Colony and not Otherwise AND it Shall and may be Lawfull for the Said Christopher



Bancker and John Dies, to Retain in their own hands for their own use out of the money employed by them by Virtue of this Act the sum of Two Pounds on every Hundred Pounds they shall So imploy and in that proportion for a greater or lesser Sum as a Reward for their care and Trouble in the several Services hereby directed to be done and performed by them.

UNTO the Mayor Recorder and Aldermen of the City and County of Albany the sum of Six Thousand Pounds to be by them employed in Fortifying and Securing the City of Albany in Such Manner and according to Such Directions and Orders as they shall from time to time receive from His Honour the Lieutenant Governor or Commander in Cheif for the time being by and with the advice of his Majesty's Council of this Colony and not Otherwise

Unto Jacob Glen Joseph Yeates junior and Joseph R. Yeates the Sum of Three thousand Pounds to be by them employed in Fortifying and Securing the Town of Schenectady in Such manner and according to Such Orders and Directions as they Shall from time to time Receive from His Honour the Lieutenant Governor or Commander in Cheif for the time being by and with the advice of his Majesties Council of this Colony and not Otherwise

Unto Cornelius Van Schaack and Abraham Van Aelstyn the Sum of one Thousand Pounds for fortifying and Securing the Town of Kinderhook in Such manner and according to Such orders and Directions as they shall from time to time Receive from his Honour the Lieutenant Governor or Commander in Cheif for the time being by and with the advice of his Majesties Council of this Colony and not otherwise

Unto Colonel Philip Schuyler the Sum of Six hundred Pounds to be by him employed in Erecting a Fort on Such part of Hudsons River beyond the City of Albany and in Such Manner as Shall be directed by his Honour the Lieutenant Governour or Commander in Cheif for the time being by and with the Advice of his Majesty's Council and not Otherwise of the Disposition of all which Aforesaid sums the aforesaid Several Managers Shall RESPECTIVELY keep exact Books and render Just and true accounts on oath to the Governour or Commander in Cheif for the time being the Council or General Assembly when by them or any of them thereunto Required.

AND BE IT FURTHER ENACTED by the Authority Aforesaid That all the Aforesaid Several Sums of Money Shall be paid

by the Treasurer of this Colony unto the Aforesaid Several and Respective Managers at Such Times and in Such proportions as Shall be thought proper and Expedient by his Honour the Lieutenant Governor or Commander in Chief for the time being by and with the advice of his Majesties Council of this Colony for performing the said Services and not otherwise.

AND be it further Enacted by the authority Aforesaid that the Several and Respective aforesaid Managers Shall before they Receive any part of the aforesaid Money's Respectively take an Oath That is to Say the Managers of the City of New York before the Mayor thereof and the Managers in the County of Albany before the Mayor of the City of Albany (and the Mayor being one before one of the Aldermen thereof) in the words following Videlicet, I A. B. one of the Managers or Commissioners appointed for Purchasing Materials for and to employ able Workmen in the Building Such Fortifications as Shall be directed in pursuance of An Act Entituled "An Act for Raising a Supply of Forty five thousand Pounds by a Tax on Estates Real and Personal for putting this Colony into a proper Posture of Defence for furthering his Majesties designs against his Enemy's in North America and other the purposes therein Mentioned For Emitting Bills of Credit for the like Sum and for Sinking and Cancelling the Said Bills in Short Periods" do Swear that I will well truly and faithfully apply and employ all the Money's which I Shall Receive by Virtue of Such Trust according to the Directions of the Said Act That all agreements I Shall make with any Person or Persons for Such Materials or for Work Service Labour or Hire Shall be at the most moderate Rate or Rates I Shall be able to procure the Same and to be paid in Ready money That I will not either directly or indirectly by my Self or others Pay or Cause payment or Satisfaction to be made for such Materials Work Service Labour or Hire by any effects Goods or Merchandize or otherwise howsoever than in Money That I will do my utmost to employ the best and Ablest Workmen in their Several Trades or Occupations and persons the most fit for Labour and that the Materials I purchase Shall be the best in Quality and the fittest to Answer the Service intended according to the best of my Skill and Judgment without favour or affection to any one And that I will faithfully and honestly execute the Trust reposed in me by the Said Act and not accept of take Receive or Retain in my hands any money or other Reward or advantage for the same



than the Commissions allowed me by the said Act So help me God. And each and every OF the said Managers applying for the said money or any part thereof shall produce to His Honour the Lieutenant Governor or Commander in Chief for the time being a Certificate of his having taken Such Oath from under the hand of the officer before whom the same was taken and in default thereof Shall Receive no part of the Said Money

AND BE IT FURTHER ENACTED by the Authority Aforesaid that out of the money's to be Raised by this Act the Treasurer Shall Pay unto James Parker for Printing the Bills of Credit directed to be made and Issued by this Act the Sum of Twenty four Pounds.

AND BE IT FURTHER ENACTED by the authority Aforesaid that the Treasurer of this Colony out of the Money's to Arise by this Act Shall Replace the Sum of Five thousand Pounds (Borrowed by Virtue of an Act Entituled "An Act for Paying Five thousand Pounds for and towards Assisting the Colony's of Virginia and Pennsylvania to disposses the French and Indians who have Settled and Erected Forts on his Majestys Lands on the River Ohio and parts Adjacent thereto" Passed in the Twenty Eight Year of his Majesties Reign) to the Respective Funds from which the same was Borrowed

AND BE IT FURTHER ENACTED by the authority Aforesaid that the Said Treasurer Shall be and hereby is directed to Pay out of the money's to arise by this Act by orders from his Honour the Lieutenant Governor or Comander in Chief for the time being by and with the advice and Consent of his Majesty's Council from time to time Such Sum or Sums of Money as by them Shall be Judged Necessary for Refreshing Such of his Majesty's Troops who are Expected from England for the Service of America as may Land in this Colony and for providing Convenient Transportation for them out of the limits of this Colony towards the place or places of their Destination, and for other Extraordinary Services which may be Judged Necessary for the use and Security of this Colony in this Critical and Extraordinary Conjunction So that the whole of the Said sums So to be paid does not exceed the Sum of Five thousand Pounds And in case no part of the Said Money or Part only thereof Should be Required for the Aforesaid Extraordinary Services the whole or Residue thereof Shall Remain in the Treasury to be disposed of by Act or Acts hereafter to be passed for that purpose

AND BE IT FURTHER ENACTED by the authority Aforesaid that all the Residue and Remaining part of the Money's to arise by this Act Shall Remain in the Treasury to be disposed of by Act or Acts hereafter to be passed for that purpose and not otherwise.

AND BE IT FURTHER ENACTED by the Authority Aforesaid That the TREASURER Shall keep exact Books of all his Receipts and Payments by Virtue of this Act and a true and Just account Shall render thereof on Oath to his Honour the Lieutenant Governor or Comander in Chief for the time being the Council and General Assembly when by them or any of them thereunto Required.

AND as it is Conceived that it will be impracticable to have the aforesaid Sums of money Collected So Soon as the present Exigencies Require the General Assembly Pray that it may be Enacted and BE IT ENACTED BY THE AUTHORITY AFORESAID that for making immediate Payment for the Several Services now absolutely Necessary to be provided for Bills of Credit to the Value of Forty five thousand Pounds be forthwith Printed made and Issued upon the Credit of the Money to be Raised and Levied by Virtue of this Act and lodged in the Treasury for that purpose That is to Say Two thousand and Ninety four Bills of Ten Pounds each Two thousand and Ninety Two Bills of Five Pounds each Two thousand and Ninety Two Bills of three Pounds each Two thousand and Ninety three Bills of Two Pounds each Two thousand and Ninety Two Bills of one Pound each and Two thousand and Ninety Two Bills of Ten Shillings each. Upon each and every of which Bills Shall be impressed on the Right Side thereof the Arms of the City of New York and under the Arms in different Carachters these Words It's Death to Counterfeit this Bill Which Bill Shall be in the form following That is to Say

BY a Law of the Colony of New York this Bill Shall pass Current for New York the Twenty fifth day of March One thousand Seven hundred and fifty five WHICH Bills Shall be Signed by Messieurs Isaac De Peyster, Oliver De Lancey Nicholas Gouverneur and John Livingston or ony three of them and be numbered by one of them and in case of the Death of any of the said Persons the said Bills Shall be Signed by the Majority of the Survivors of them

AND BE IT ENACTED by the Authority Aforesaid That Abraham De Peyster the Present Treasurer of this Colony in



whose hands the Stamps of the Arms of the City of New York and the other plates are deposited Shall in the presence of the Signers Aforesaid or the Major part of them deliver unto James Parker Printer who is hereby Appointed to Print the said Bills and on them to impress the said Arms and Plates which when done the said James Parker Shall Redeliver to the Said Treasurer the Said Stamps and plates in the presence of the Signers Aforesaid or the Major Part of them And the Receipt of the Said Treasurer Shall be to the said Printer a Sufficient discharge for the Same And the Said Printer is hereby Required and directed to deliver to the Signers hereby appointed to Sign the said Bills every Bill of Credit BY him Printed and Shall upon his delivery of the Said Bills take an Oath in the Words following Viz't.—

I A. B do declare that from the time that the Letters were set and fit to be put in the Press for Printing the Bills of Credit now by me delivered to you untill the Bills were printed and the Letters Afterwards distributed into the Boxes I went at no time out of the Room in which the said Letters were Without Locking them up So as they could not be come at without Violence a false Key or other Art then unknown to me And therefore to the best of my Knowledge no Copies were Printed off but in my presence And that all the Blotters and other Papers Whatsoever impressed by the Said Letters whilst Set for Printing the said Bills to the best of my Knowledge are here delivered to you together with the Stamps And in all things Relating to this Affair I have well and truly demeaned my Self According to the true Intent and Meaning of the Law in that Case Made to the best of my Knowledge and understanding. WHICH oath all or any of the Said Signers are hereby impowered required and directed to Administer.

AND BE IT ENACTED by the Authority Aforesaid that the Persons herein appointed to Sign the Said Bills of Credit Shall take an Oath before a Magistrate of the City of New York each of them Well and truly to perform what by this Act they are enjoyned as their Duty and will Knowingly Sign no more Bills of Credit than what by this Act is directed And if it Shall happen that any Supernumerary Bills shall be left after the Said Number Shall be delivered to the Treasurer in manner Aforesaid all Such Supernumerary Bills Shall be Burnt and Destroyed by the Said Signers or the Major part of them or by the Majority of the survivors of them in the presence of the Treasurer of this Colony.

AND BE IT ENACTED by the authority Aforesaid That the Bills of Credit Enacted and appointed by this Act to be Current Shall be Received by the Treasurer of this Colony in all Publick Payments and for any Fund at any time in the Treasury and by any Person within this Colony in all cases whatsoever during the time they are Enacted to Continue and be as effectually Current as any other Bills of Credit made Current in this Colony by any Act of the Governor Council and Generall Assembly.

AND BE IT ENACTED by the authority Aforesaid That if any Person or Persons whatsoever Shall Counterfeit any of the Bills of Credit made Current by this Act or Shall alter any of the said Bills made Current as Aforesaid So that they Shall appear to be of greater Value than by this Act the Same Bill or Bills So Altered were Enacted Signed or Numbred to pass Current for or Shall Knowingly pass or give in Payment any of the Bills Aforesaid So Counterfeited or Altered Every Person GUILTY of Counterfeiting or Altering any of the Said Bills as Aforesaid or of Knowingly Passing or giving in Payment any Such Counterfeit or Altered Bill Shall be guilty of Felony and being thereof Convicted Shall Suffer the pains of Death without the benefit of Clergy And though Such Counterfeiting Altering or Knowingly Passing Counterfeit or Altered Bills Shall be done out of this Colony Yet any Grand Jury within the City and County of New York is hereby impowered to present the Same and to Set forth in the Indictment the place where by their Evidence it appeared that the fact was Committed Which Indictment is hereby declared good Notwithstanding that the place Alleged be out of this Colony And the Petty Juries on the Tryalls of all Such Issues Shall be Returned from the Body of the City and County of New York; Any Law, Usage or Custom to the Contrary Notwithstanding.

AND BE IT ENACTED by the Authority Aforesaid That the Treasurer of this Colony Shall be and hereby is required and directed upon no account whatsoever to Issue or give in Payment any of the Bills of Credit made Current by this Act any otherwise than as hereby directed or as Shall be directed by Act or Acts hereafter to be passed for that Purpose.

AND BE IT FURTHER ENACTED by the authority Aforesaid That the Bills of Credit made Struck and Issued by Virtue of this Act Shall be and Remain Current untill the first Tues-



day of November which will be in the Year of our Lord one thousand Seven Hundred and Sixty one.

AND BE IT FURTHER ENACTED by the authority Aforesaid That as the Money to be Raised levied and Collected by Virtue of this Act Shall be paid into the Treasury the Treasurer of this Colony for the time being Shall and he is hereby directed and Required to use his utmost Endeavors to Exchange the Same for the Bills of Credit made Current by this Act Which Said Bills so procured Shall be kept in the Treasury Ready to be Cancelled in manner as is directed in and by An Act Entituled "An Act for the More effectual Cancelling the Bills of Credit of this Colony." Passed in the Twenty first Year of his Majesty's Reign.

#### [CHAPTER 971.]

[Chapter 971, of Van Schaack, and chapter 50 (vol. 2) of Livingston & Smith, where the title only is printed. Continued by chapter 978. Repealed by chapter 1022.]

An Act to Restrain the Sending of Provisions to Cape Breton or any other French Port or Settlement on the Continent of North America or Islands Nigh or Adjacent thereto

[Passed, February 19, 1755.]

WHEREAS the General Assembly have been well informed that there is and for some time Past has been a very pernicious Trade Carried on from hence and Some other of the Northern Colony's to Louisbough on the Island of Cape Breton and other French Ports and Settlements on the Continent of North America and Islands adjacent thereto By means whereof the French there have been Supplied with great Quantity's of Flower and other Provisions and thereby Enabled to furnish and provide Canada and their Forces at Crown Point and on the River Ohio with the Same Which greatly Assists and puts them in a better Condition to pursue Carry on and Support themselves in their Encroachments on his Majesty's Territories Which unless timely prevented may prove to be of very fatal and Dangerous Consequence to this and all other his Majesty's Northern Colony's in America and at this time Loudly Calls for Redress WHEREFORE BE IT ENACTED by his Honour the Lieutenant Governor the Council and the

General Assembly and it is hereby Enacted by the Authority of the Same That for discouraging Restraining and Detecting Such dangerous and Pernicious Trade as far as Possible in this time of Eminent danger His Honour the Lieutenant Governor or the Commander in Cheif for the time being by and with the advice and Consent of his Majesties Council shall be and is hereby fully impowered and Authorized by Proclamation or other Publick Authority to forbid Restrain and as much as may be prevent Such Dangerous and Pernicious Trade and Commerce with the French by laying Such Reasonable penalties Fines and Restrictions on the owners Factors Freighters and Masters of Vessels aseing Such Trade or otherwise offending in the Premises as Shall be thought just Reasonable and Expedient and as the nature and Circumstances of the Case may Require And also to discover detect and bring to Justice the offender or offenders and to Commit to Prison any Master or Comander of any Ship or Vessell owner Factor freighter Mariner or any other Person or Persons who upon Reasonable Command or Request Shall Refuse or Neglect to appear Swear and give Testimony concerning the same untill he She or they Shall Swear and give Such Testimony all which Penalty's Shall and may be Sued for and Recovered in any Court of Record within this Colony by the Informer or Informers who may Sue and Prosecute for the Same for their own use as an Encouragement to give Such Information

THIS act to Continue in force for the Space of Four Months after the Publication thereof and no longer

#### [CHAPTER 972.]

[Chapter 972, of Van Schaack, where the title only is printed. Chapter 51 vol. 2; of Livingston & Smith, where the act is printed in full. Continued by chapter 996. Acts repealed by this chapter are chapters 674 and 963.]

#### An Act for Regulating the MILITIA of the Colony of New York.

[Passed, February 19, 1755]

WHEREAS a due and proper Regulation of the Militia of this Colony, tends not only to the security and Defence thereof, but likewise to the Honour and Service of his Majesty.



BE IT THEREFORE ENACTED by His Honour the Lieutenant Governor, the Council, and the General Assembly, AND it is hereby ENACTED By the Authority of the same, That every person inhabiting this Colony, from sixteen years to the age of sixty years, shall inlist himself with the Captain or next Commanding Officer, either of the Troop or Horse, or the Company of Foot, in the City Town Borough Manor or precinct where such Person shall reside or sojourn, under penalty of Forty shillings for every three Months such person shall remain not inlisted. And all Captains of Troops of Horse, and of Companies of Foot, within this Colony, are Commanded to take due care to inlist such persons accordingly. And in case of any dispute concerning the age of any person, the same shall be determined by the officer before whom such dispute shall happen, by the Oath of the person whose age is in Question, or the oath of his Parent or some other Credible Witness, which oath the said officer is hereby empowered to Administer, and to determine accordingly.

AND BE IT ENACTED by the Authority aforesaid, That the Colonels or Commanding officers of all Regiments Troops or unregimented Companies, shall at least once a year, issue their Warrants to their Inferior officers, directing him or them to make diligent enquiry in their respective Districts, that all Persons be duly inlisted Armed and Equipped, and to return to them the Names of the Defaulters, to the end they may be punished according to this Act. And the Colonel or other officer neglecting his duty herein, shall forfeit the sum of Five pounds for every such neglect or Omission.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that once a year at least, or oftener if occasion requires, and Command be Given by the Colonel, and in his absence by the next Commanding officer of the respective Regiments, the several Companies in each Regiment, and the Troops of Horse and Independant Companies of the several Cities and Counties, shall meet at such place or places therein, as shall be appointed by the Colonel, or in his absence by the NEXT Commanding officer, to be then and there Mustered and Exercised; and every Troop and Company shall be duly mustered and exercised by their respective Captains, or next Commanding officer, at least four times in every year, and so often as the Governor or Commander in chief shall appoint.

AND BE IT ENACTED That every Soldier belonging to the Companies of Foot shall appear and be provided with a well fixed Musket or Fuzee, a good Sword, Belt, a Cartouch Box filled with nine Cartridges of powder, and nine sizeable Bullets, under the penalty of five Shillings for a Musket or Fuzee not well fixed, and one Shilling for the want of every Sword, Belt, Cartouch Box, Cartridge or Bullet; the whole penalty for the Default of one Person for one day not to exceed twenty shillings and the sufficiency of the Musket or Fuzee, Sword, Belt, or Cartouch Box, to be judged of and determined by the Captain or next Commanding officer. AND every Foot Soldier or Trooper shall at his Habitation or place of abode, have one pound of good Gunpowder, and three pounds of sizeable Bullets, upon penalty of Ten Shillings for each Soldier; and if any foot Soldier or Trooper shall refuse to shew his Captain, or the officer or Person sent by him, all or any of the Equipage, Furniture, or ammunition, herein mentioned; he shall be deemed to be unprovided therewith, and shall be fined accordingly

BE IT ALSO ENACTED that every soldier belonging to the Horse, while on duty, shall be provided with a good serviceable Horse, not less than fourteen hands High, with a good saddle Holsters, Housing, Breast Plate, and Crupper, a case of good Pistols, a good Sword, or hanger, half a pound of Gun powder, and twelve sizeable Bullets, a pair of Boots with suitable Spurs, and a Carabine well fixed, with a good Belt swivel and Bucket, under the penalty of ten shillings for want of a sizeable Horse, and the penalty of five shillings for want of each or either of the Articles of the Troopers Furniture. And the Troopers in the City and County of New York shall be Cloathed with a Blue Coat and Breeches, with Yellow mettall buttons, and a scarlet Waistcoat, and their hatts Laced with Gold Lace. And the Troopers for the City and County of Albany shall be Cloathed with blue Coats, and their Hatts shall be laced with silver Lace, under the penalty of five shillings for the want of every Article of such Cloathing. The whole penalty on a Trooper for the Defaults of one day not to exceed the Sum of Forty Shillings.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Colonel, or in his absence the next Commanding Officer of each Respective Regiment, who shall fail to draw out and Muster the same together, once in every year, or when Commanded so to do by the Governor or Commander in chief for the



time being, shall forfeit for every Offence the sum of Twenty pounds; and every Captain of a Troop, or Company, who shall fail to appear as directed by this Act, or appearing, fail or neglect to exercise the Troop or Company under his Command; every such Captain for every such default or neglect shall forfeit the sum of five pounds; and every Lieutenant Cornet or Ensign who shall not appear at such times, or appearing shall not perform his duty, shall forfeit and pay the sum of three pounds.

AND BE IT ALSO ENACTED That if any person Inlisted to serve either in Horse or Foot, shall neglect to appear at such times as are by this Act directed, or appearing under Arms, shall refuse or neglect to perform such Military duty, as shall be required of him, or shall depart from his Colours or Guard without leave from the proper Officer, he shall forfeit the sum of twenty Shillings.

AND TO THE END there may be a constant supply of Troopers in each City and County within this Colony where there are Troops of Horse, BE IT ENACTED That in case of deficiency in the number of any Troop, and the same cannot be supplied by Voluntiers, the Captain or in his absence the next Commanding officer of such Troop shall under his hand Certify to the Colonel or in his absence to the the next Commanding officer of the Regiment where such deficiency shall happen, how many Troopers are wanting in such Troop, who shall thereupon Nominate out of the said Regiment the number so wanting. PROVIDED the person or persons so Nominated be a Freeholder, and not under the age of twenty one years; except in the City of New York, where persons may be Nominated though they are not Freeholders. And the person or persons so Nominated Shall with in the space of two Months thereafter, inlist in such Troop; or refusing or neglecting so to do, shall respectively forfeit the Sum of Ten pounds; on payment whereof such person shall not be liable to any further forfeiture respecting the Troop, but shall nevertheless be subject to serve in the Foot, as if no such Nomination had ever been made.

AND BE IT ENACTED by the Authority aforesaid, that no person or persons being thereunto required by their Captain or next Commanding Officer, shall refuse or neglect to serve as Serjeant or Corporal in any Troop or Company under the penalty of Forty Shillings. And in case any Serjeant or Corporal shall refuse or neglect to warn the people to appear under Arms,

when required by his Captain or next Commanding officer, he shall for every such neglect or Refusal forfeit twenty Shillings.

BE IT FURTHER ENACTED That all Captains of Troops of Horse and Companies of Foot, shall at their own Charge provide for their Troops and Companies respectively, Drums and Trumpets, Colours and Banners, and Drummers and Trumpeters under the penalty of six Pounds; and for every Month such Captain shall remain unprovided therewith, the Sum of Three pounds, And all Drummers and Trumpeters in service, shall serve for the annual Salary of forty shillings, finding their own Trumpet or Drum; and twenty Shillings if the Captain do provide the Trumpet or Drum; and each Drummer or Trumpeter refusing to serve as such shall forfeit forty shillings.

AND BE IT ALSO ENACTED by the Authority aforesaid that once every year, the Captains or in their absence the next Commanding Officer of every Troop or Company, whether Regimented or Independent, shall deliver to the Colonel or in his absence to the next Commanding officer of the Regiment for the City or County where such Troops or Companies are or may be, a true and Complete Roll under his or their hands, containing the names of all the persons belonging to, and inlisted in their respective Troops or Companies under the penalty of Five pounds for every neglect or Omission. And the said Colonels, or the next Commanding Officer of the respective Regiments, shall within one Month after the Receipt of every such Roll, deliver or send the same, (keeping a copy of every such Roll) to the Commander in Chief for the time being, under the like penalty.

BE IT ENACTED That no Commission Officer either of Companies of Foot or Troops of Horse, whether Regimented or Unregimented, or any Trooper of the Cities of New York or Albany, shall be Subject or liable to serve in the office of Constable, if chosen while he is such: any Law usage or custom to the contrary notwithstanding.

AND to the end Articles of War may be established within this Colony. BE IT FURTHER ENACTED, that the Field officers of the several Regiments shall be summoned to meet for that purpose at the time and place to be expressed in such summons. And if at any Meeting or Meetings in consequence thereof, there shall be one Field officer at the least from each Respective Regiment in this Colony, such Articles as the Governor or Commander in Chief shall establish with the consent of a Majority,



of the Field officers so met, shall by virtue of this Act have full force and effect for the punishment of all offenders against the said Articles or any thing therein contained. PROVIDED such punishment be by fine or Imprisonment only, or both: and every Field Officer so summoned, who shall without reasonable Cause, neglect or Refuse to appear accordingly, shall forfeit the Sum of twenty pounds. AND all officers and Soldiers of the Militia, Horse, or Foot, within this Colony, during such time as they or any of them are under Arms in the Field, or upon Watch and Ward; or other duty, shall and each and every of them shall, observe and keep all and every the articles of War so established, and shall pay due obedience to his or their Superior officer or Officers, and all his or their lawfull Commands Which articles of War when so established, shall be printed by the publick printer, And the respective Captains shall provide themselves with Copies thereof, and cause them to be publickly read to their respective Companies while under Arms, at least four times in every year; to the End all persons so inlisted, may the better know and understand their several duties, and if any officer or Soldier shall at any time whatsoever, whether under Arms upon duty or otherwise maliciously abuse affront or take Revenge, or endeavour by force to take revenge, for any matter or thing by his or their Superior officer lawfully done in pursuance of his or their duty, or of any thing contained in this Act, the said Officer or Soldier shall be brought before a Court Martial, and shall be tryed for the same according to the true intent and meaning of such Articles of War.

AND BE IT ALSO ENACTED By the Authority aforesaid, That there shall be Beacons forthwith Erected at the following places, that is to say, One on the Western part of Rockway. One other at the Narrows on the Island Nassau; One other at the point opposite thereto, on Staten Island; and one other upon Mr. Kennedy's Island: each of which Beacons shall be made of twelve or a greater Number of poles set in the Ground at proper Distances asunder, and a pitch Barrel on each pole: and the respective persons living nearest to the same, shall upon seeing the Beacon which may be erected near Sandy Hook, or other place, on Fire, or upon the appearance of six or a greater Number of large Ships, which from proper Glasses they may judge to be ships of War, set fire to a like number of such pitch Barrells; and at every of the said places where Beacons

are appointed to be erected, there shall be Lodged a Cannon or Great Gun, with a sufficient quantity of Gun powder, and immediately after the said Beacons shall be so set on fire, such Gun shall be discharged from each Beacon, once for every large Ship that appears in sight. And at all times when the Governor or Commander in Chief shall order and appoint a Guard to be kept at the said Beacons any or either of them (except the Beacon upon Mr Kennedy's Island) the respective Colonels, or in their absence the next commanding officer, of the Regiments in the Counties where such Beacons are erected, shall cause such a Guard or Watch to be kept, and by such Detachments of Men from their respective Regiments, as shall be so ordered and appointed: and the persons duly warned for that purpose, and not appearing, or not performing that service, or sending a Sufficient person in their Room, shall severally forfeit the Sum of Forty Shillings; and the Colonel or next Commanding officer neglecting his duty herein, shall be subject to the penalty of Fifty pounds. And every of the persons who shall have the Charge and care of such Beacons, at the time of such Watching and Guard as aforesaid, and shall neglect, in the cases before mentioned, to fire the same, and to discharge the Great Gun in manner aforesaid, shall forfeit twenty pounds. And the charge of Erecting the said Beacons and of such other Beacons as the Governor or Commander in Chief, with the advice of his Majesty's Council, shall direct and order to be Erected at any other place or places within this Colony, for the spreading an Alarm through the same, and to the Neighbouring Colonies of New Jersey and Conn. ticut, and the expence of carrying and Transporting Cannon to such places, and of the Gun powder to be Lodged there, shall be borne and defrayed by the publick, and paid from time to time on Warrants drawn by the Governor or Commander in Chief with the advice and consent of the Council, on the Treasurer of this Colony, who is hereby required and directed forthwith to discharge the same, out of any money in the Treasury appropriated for Contingent Services.

AND BE IT FURTHER ENACTED By the Authority aforesaid, that in case of an Alarm, every Soldier upon notice thereof, is immediately to Repair Armed to his Colours or parade, on penalty of twenty five pounds, which parade shall be understood to be the Habitation of his Captain, unless it shall be otherwise



ordered and appointed. AND for the prevention of false alarm no Captain, Master, or Commander of any Ship or Vessel riding at Anchor in any of the Rivers Harbours or Bays of this Colony or any other person, shall fire any Great Gun after eight of the Clock at night under penalty of Forty shillings for every such Gun so fired, to be levied by Warrant from the chief officer of the Regiment next adjoining, not under the Degree of a Captain who is hereby empowered to have Jurisdiction thereof, and to Administer an Oath, and give Judgment thereupon, and to direct Distress and sale of the offenders Goods, and for want of such Distress the said Chief Officer is empowered to commit such offender to Goal; there to remain until Payment be made of the same: And the Captain Commander or Master of any Vessel from whence such Gun or Guns shall be fired, shall be deemed and understood to be the offender in this respect, and in case the Chief officer of the Regiment or Captain aforesaid, shall not perform his duty therein, he shall forfeit three pounds to be levied by Warrant from the Governor or Commander in chief for the time being.

AND BE IT ENACTED by the Authority aforesaid, that in case of any Alarm, Invasion Insurrection or Rebellion, every officer of the Militia shall have full power and authority, by virtue of this Act, and is hereby required forthwith to raise the Militia or Company under his Command, and to send immediate intelligence to the Commanding Officers of the Regiment to which he belongs, who also are hereby required and Commanded to send forward the intelligence forthwith to the Commanding officers of the next adjacent Counties, informing him and them at the same time in what manner he intends to proceed, and shall in the mean time keep the Militia under his Command under Arms, until he receives Orders from his Superior Officer: and every commanding officer in every County upon an Alarm or receiving intelligence of any Insurrection Invasion or Rebellion, shall forthwith dispatch an express to the Governor or Commander in chief for the time being, notifying the danger and shall therewith Signify the strength and motions of the Enemy, and the said Commanding Officer hath hereby full power to impress Boats and hands Men and Horses as the service may require; and shall draw together the Militia of his County, and March them to such place or places, as he shall judge most convenient for opposing the Enemy and to such place or places as

shall be directed by the Governor or Commander in chief for the time being. And every Field Officer that shall neglect or refuse to perform his duty hereby required, shall forfeit the Sum of Five hundred pounds; and every Captain or other Commissioned officer for his neglect or refusal therein, shall forfeit the sum of three hundred pounds: and every noncommissioned Officer or private Man for his neglect or refusal of such duty, shall forfeit the sum of One hundred pounds. And every Commissioned Officer besides paying such forfeiture, shall be degraded, and rendered incapable thereafter, of holding or exercising any office Civil or Military within this Colony.

AND WHEREAS the County of Suffolk is so situated that a Descent may be made on the Eastern part thereof by Water: and the said County being extensive the remote parts which are most exposed, are Generally at a great distance from the Colonel or Commanding Officer of the Regiment, and consequently the waiting for orders from the said Commanding Officer, may greatly expose such remote places to the Ravages of small parties of the Enemy. BE IT THEREFORE ENACTED that the Captains, or next Commanding officer, of the several and respective Companies within the said County, nearest to any place where such descent may happen to be made, shall immediately call together his or their Company or Companies, and forthwith march them towards, and use their utmost endeavours to repel and drive off, the Enemy. And on the first Notice of such Descent, shall dispatch an Express to the Commanding Officer of the Regiment of the said County, with intelligence thereof, and of the Number and Motions of the Enemy, according to the best Information he or they shall have obtained: any thing herein before contained to the contrary, notwithstanding.

AND BE IT ALSO ENACTED by the authority aforesaid. that if any naval force should make any attempt upon the City of New York, and there should not be a sufficient Quantity of Gun powder belonging to the Government for the use and defence of the same, there shall be immediately impressed by the Commander in chief for the time being, or by the Field Officers of the Regiment of the City of New York for the time being, so much Gun-powder as upon such an Event may be requisite and necessary to make a Vigorous defence; and such part thereof as upon such an Emergency, shall be expended, the General Assembly shall and will provide ways and means fully to pay for the same at the then current price.



AND BE IT FURTHER ENACTED by the authority aforesaid, that in case of an Alarm or actual Invasion in the City of New York or Albany, or in the Township of Schenectady, the Colonel or next commanding officer, of the respective Regiments there, may and shall order and direct each and every Inhabitant of the said Cities or Township, being Master or Owner of any able Man slave, whether Negro, Indian or Mulatto to deliver up to the Officer appointed, or to the place directed for the Rendezvous, every such Slave to be employed at the Artillery of the several Fortifications in the said Cities or Township respectively, under the direction of the proper officer or officers, or in any such manner as shall be directed by the Governor or Commander in Chief for the time being; and in case any Inhabitant shall neglect or Refuse to deliver up or send any such Slave in manner as aforesaid, he she or they shall forfeit and pay the sum of Forty pounds current money of this Colony and if any such slave or slaves shall be killed or Disabled in such service, the Value of the said Slave or Slaves shall be ascertained by six Freeholders of the said Cities respectively and the Mayors Courts of the said Cities respectively are hereby Authorized and empowered to Nominate and appoint such six Freeholders, and to Administer an Oath to each and every of them, well and truly to ascertain the Value of such Slave or Slaves, to the best of their Judgment. And the sum or sums at which such Slave or Slaves shall be so Valued, shall be paid to the owner or Owners thereof, out of such money as shall be hereafter raised by Act or Acts to be passed for that purpose. And if it should be found necessary to order any such Slave or slaves from other parts of this Colony for the Defence of the said Cities, or the Township of Schenectady in case of Alarm or Invasion; The Governor or Commander in chief may direct such a number of them, and from such place or places, as he shall think requisite for such service. And if any person, Owner of such Slave, shall refuse to deliver him to the Officer appointed, such person shall forfeit the Sum of Forty pounds. And in case any such Slave so employed, shall be killed or disabled, the Value of such slave shall be ascertained and the Owner thereof paid in like manner as above in this Clause is directed.

AND BE IT FURTHER ENACTED by the Authority aforesaid that within two Months after the publication of this Act, every Master or Mistress of every Indian, Negro, Mulatto, or

other Slave above the Age of fourteen years within this Colony, shall deliver to the Captain of the Company in the respective Districts wherein they reside, a true List of all such Slaves in their Possession both Male and Female; under the penalty of forty shillings. From all which Lists, such Captain shall make a List of the whole number of Slaves so reported to him, distinguishing therein the Sex and number belonging to every Person by name, and shall transmit the same under his hand as soon as may be, to the Governor or Commander in chief, under the penalty of five Pounds. And in case of any Alarm or Invasion, the Captain or other officer commanding the Company, in each respective District, shall (unless it is otherwise provided by order from the Governor or Commander in chief) appoint and leave such proper Detachment of his Company, as he shall judge necessary to Guard against an Insurrection of the Negroes; always observing to appoint for the said Detachment, such Persons who may be best spared from the Company.

AND BE IT ALSO ENACTED by the same Authority That if one or more Negro, Indian, or Mulato slave, or slaves, above the Age of fourteen years within this Colony, shall, in the time of Alarm or Invasion, be found at the distance of one mile or more from the Habitation or Plantation of their respective owners, without a Certificate from their respective Owners signifying the Errand or Business they are sent upon, it shall be adjudged Felony without Benefit of Clergy in such Slave or Slaves, and it shall and may be lawfull for the person or Persons finding such Slave or Slaves, at or beyond the said distance or Limits, to shoot or otherwise destroy such slave or Slaves, without being impeached censured or prosecuted for the same: Any Law usage or custom to the contrary Notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid That if any Person be Wounded or disabled upon any Invasion, or in any other Military service, he shall be taken care of and provided for by the publick, during the time of such Disability.

BE IT FURTHER ENACTED, That all Physicians, Surgeons and Apothecaries, Resident within the Cities of New York and Albany, in case of Invasion and attack by the Enemy, shall respectively attend each respective Troop and Company of the Militia (as occasion may require) with Medicines and Utencils, on such posts as shall be Assigned by the Governor or Commander in Chief for the time being, to take care of the sick



and Wounded; and for their care and Medicines administered to poor Men and servants wounded or sick in the service, they shall be paid and rewarded out of the Publick Treasury of this Colony; And in case any Physician, Surgeon, or Apothecary, Resident as aforesaid, shall Wilfully neglect their attendance upon any such Occasion, the Person or Persons so neglecting shall forfeit the sum of One hundred pounds.

BE IT ALSO ENACTED by the Authority aforesaid, that in case of a General Alarm or Invasion all unregimented or Independent Companies and Troops, shall in the absence of the Governor or Commander in chief, be under the immediate Command and direction of the Colonel, and in his absence the next Field officer of the Regiment of the City or County where such unregimented or Independent Companies or Troops are or may be; any thing herein to the contrary thereof Notwithstanding.

AND BE IT ENACTED by the same Authority that in case of an alarm or Invasion, every Person able to bear Arms that shall leave the City or County invaded, or apparently in danger of being Invaded, without the order of the Commanding officer for the time being or shall refuse to obey the just and legal Orders of his proper officer shall suffer the pains of death, by being shot at the head of the Company to which he belongs; and if he be an officer he shall be shot at the head of the Regiment, being first duly convicted by a Court Martial.

AND WHEREAS upon certain Emergencies it may be necessary to keep Military Watch and Ward in some part or parts of this Colony. BE IT THEREFORE ENACTED by the same Authority, that as often as the Governor or Commander in Chief, by order under his hand, issued by the advice and consent of the Council, shall order and appoint such Military Watch to be kept in any of the Cities or Counties within this Colony, all persons able to bear Arms living within the places or Districts where the said Military Watch is to be kept (Except the persons hereafter Excepted) shall in their turns upon due Warning, be obliged to serve upon such Military Watch, or put a sufficient and well armed Man in their room, under the penalty of twelve Shillings for every default or neglect. And Commissioned Officers in their Turns shall always be obliged to Mount such Guard in person under the penalty of forty Shillings for every neglect: but Captains shall not be compelled to serve in such Military Watch, unless the same consists of a Captain's proper Com-

mand. And upon all sudden Emergencies, in the absence of the Commander in Chief, the Colonel or in his absence the next Commanding Officer of the Regiment of the County, in which such Emergencies may arise, is hereby Authorized and impowered to appoint such Military Watch to be kept in the City, Town, or place he shall judge it to be necessary sending immediate notice thereof to the Governor or Commander in chief, to the end the same may be continued or not as shall be thought expedient. And Defaulters in this case shall be liable to the same Penalty as where such Military Watch is Established by order of the Governor or Commander in chief as aforesaid.

AND BE IT FURTHER ENACTED by the same Authority, that every Military Watch or Guard shall post Centries in such places as the officer of the Guard thinks proper and every Centry that shall leave his post, or fall asleep where he is posted, shall be liable to such Punishment as shall be inflicted by a Court Martial. And every Centry upon the Approach of any person or persons shall Challenge him or them three times distinctly, and if they make no Answer the first, second, or third time, he shall fire upon him or them. And if it should so happen, that he should kill or Wound the person or persons so Challenged, every Centry so Wounding or killing any person or persons as aforesaid, shall not be liable to any punishment any Law usage or Custom to the contrary notwithstanding.

AND for the greater security of the Inhabitants of the City and County of Albany against a Surprize by an Enemy. BE IT ENACTED by the authority aforesaid that one Act of the Legislature of this Colony Entituled (An Act for the Establishing a Military Watch for the City and County of Albany) Passed and Published the third day of May One thousand seven hundred and forty six and one other Act Entitled (An act to continue An Act Entitled An Act for the Establishing a Military Watch for the City and County of Albany with Addition thereto) Passed and published the sixth day of December one thousand seven hundred and forty six; shall be and hereby are revived: and every clause Article and thing in the said two acts contained, are hereby RE ENACTED, and shall continue and remain in full force to all intents constructions and purposes whatsoever during the continuance of this Act; any thing herein before contained to the contrary thereof notwithstanding.

AND BE IT ENACTED That all Commission officers in the Militia of this Colony dwelling either in the Cities of New



York or Albany, or in the Township of Schenectady, shall wear their swords every Sunday during Divine Service, under the Penalty of twenty Shillings for every such neglect to be recovered before the Mayor, Recorder, or any one of the Aldermen of the said Cities or any one Justice of the peace in the said Township respectively, to be applyed one half thereof to the person or Persons who shall sue for the same, and the other half to the use of the poor of the said Cities and Township respectively.

AND WHEREAS by former Acts for Regulating the Militia of this Colony, All Justices of the peace, Coroners, and all other officers of Courts, and School Masters, have been exempted and freed from inlisting in any Troop or Company; which Exemption is thought very unreasonable. BE IT THEREFORE ENACTED That all persons bearing or exercising such offices or employments as aforesaid, and all others heretofore exempted from Military duty, who reside in the Cities of New York and Albany, Township of Schenectady, and Kings County shall immediately after the Publication of this Act be formed into one or more Company or Companies, in such manner as the Governor or Commander in Chief for the time being shall think convenient: and shall appear in all cases of Invasion Alarm or Military Watch, at every General Review or Muster of the Regiment, and so often at other times, as the Governor or Commander in Chief shall order and appoint: And on such Occasions shall be Subject to the like Regulations, pains, penalties, Fines, and Forfeitures, as other Companies of Foot within this Colony are Subject and liable to: And until such Persons are formed into sepearte Companies, they shall be and are hereby obliged to Inlist in some Company of Foot, in the said City. But shall be subject only to such duty, as if actually so formed into Companies: any thing in this Act or any other Act or Ordinance whatsoever to the contrary notwithstanding.

AND BE IT FURTHER ENACTED by the same Authority, that all Persons heretofore exempted as aforesaid, who dwell in other parts of this Colony, shall be either formed into such Companies as aforesaid or inlist in the several Companies in the Districts where they respectively reside, and shall be liable in all cases of Alarm or Invasion to the like Duty that other Persons are subject to by this Act; and at other times shall Only be liable to such Military Duty as the Governor or Com-

mander in chief for the time being shall direct: Under the several Pains Penalties Fines and Forfeitures laid in this Act on others in the like Cases offending

BE IT ENACTED By the Authority aforesaid that no officer of the Militia of this Colony shall surrender or resign his Commission, unless he is superceeded in his Rank, or hath served in that Rank fifteen years at the least: In either of which cases such Person may resign his Commission, but shall nevertheless be subject to the like service, and Penalties, as Persons heretofore exempted from inlisting in the Militia, are liable to by this Act. And all Commissions Granted to Persons which do not confine them to any particular Corps or to some Corps in the City or County where such Persons reside, shall be and are hereby declared Null and Void: any Law Ordinance Commission, usage, or Custom, to the contrary Notwithstanding.

PROVIDED allways That all Doctors of Physick, Practitioners in Physick, and Surgeons, shall not be obliged to inlist in any Troop or Company, or to do any Military Duty whatsoever: but, as those who reside in the Cities of New York or Albany, shall be subject to such duty in time of Invasion as is before directed in this Act.

PROVIDED also that persons employed in Furnaces for making of Iron, two Ferry Men to every Publick Ferry, two Men to every Pilot Boat, one Miller to each Grist Mill-House, and keepers of Publick Goals, shall be and are hereby declared free and exempt from all Military Duty whatsoever, except in time of Actual Invasion. And nothing in this Act shall extend or be contrued to lessen or abridge the several Liberties and exemptions which are allowed and granted to the Firemen of the City of New York, in and by an Act Entitled [An Act for the better extinguishing Fires which may happen in the City of New York] passed in the Eleventh year of his Majesty's Reign

BE IT ENACTED by the Authority aforesaid that in case the several Fines, Penalties and Forfeitures in this Act mentioned, that do not exceed the sum of twenty shillings, shall not be paid on demand, the same shall be levied recovered and disposed of as followeth that is to say. That all such Forfeitures as do relate to any Person under the Degree of a Captain, shall be judged and taken by the respective Captains to defray the Charges of their Troops and Companies, and be Levied before the next exercising Day by Distress and sale of the offenders



Goods, by Warrant from the Captain or next Command Officer, directed to the serjeant or Corporal of the Company wherein the said Offence was committed. But if the offender be a servant or under his Parents care, then and in such case the Masters or Parents Goods shall be liable to such Distress and sale as aforesaid, till satisfaction be made. And if any Serjeant or Corporal shall refuse to execute such Warrant so to him directed, such Serjeant or Corporal shall for every such offence forfeit for the uses above mentioned, the Sum of Forty Shillings to be levied in manner before expressed, by such other Serjeant or Corporal as such Warrant shall be directed to: and all other Penalties and Forfeitures in this Act mentioned, which relate to any Person under the Degree of a Colonel, or that are otherwise applied in this act, shall be Levied by Distress and sale of the offenders Goods, by Warrant from the Colonel or next Field Officer, where such offenders are; and all such Penalties and Forfeitures as do relate to a Colonel the same shall be Levied by Distress and sale of the offenders Goods, by Warrant from the Governor or Commander in chief for the time being, which Forfeitures shall be applied towards purchasing Arms for the use and Benefit of the Regiment, in the Cities and Counties where the offence is Committed: and the Serjeants and Corporals of the Regiment are to reserve to themselves, out of such Distress, over and above the fine or forfeiture, the sum of three Shillings for executing each Warrant from their Captain or other Superior officer, which Warrant and the Execution thereof by the person to whom directed, shall be good in Law and of full force and Virtue to and for the purposes in this Act mentioned.

AND BE IT ENACTED that if any Colonel or other officer whose duty it shall or may be to issue such Warrants as aforesaid, for Levying any Fine or Forfeiture imposed and laid by this Act, and who shall refuse or neglect to issue such Warrants, and cause such Fines or Forfeitures to be levied upon the Defaulter or Defaulters, such Colonel or other officer shall forfeit for every such Neglect or Refusal the Sum of five Pounds to be recovered and applied as aforesaid.

AND BE IT FURTHER ENACTED by the same Authority that in case no goods be found on which to Levy the Distress for the several Fines and Forfeitures by this Act incurred the person offending shall be Committed to the County Goal: and the Sheriff of the City or County where the Forfeiture is incurred

is hereby impowered and required to receive the Body of all such Delinquents, as shall be brought to him by Virtue of any Warrant or Warrants issued pursuant to the Directions of this Act; and him or them to keep in safe custody, until such Fines and Fees mentioned in such Warrant are paid. And it is hereby declared that such Sheriff shall in all such cases, be intitled to the same Fees as are allowed in all other cases.

BE IT ALSO ENACTED by the Authority aforesaid that whenever it shall be found necessary to constitute and appoint a Court Martial, in any of the Regiments of this Colony, the Colonel shall return himself and the next Commanding officer of the Regiment, and twenty four other Commissioned officers of his Regiment, to the Governor or Commander in chief for the time being, who shall Commissionate under the Great seal of this Colony, thirteen out of the said twenty six, to be a Court Martial, of whom a Field Officer shall always be one, which Field officer shall be president of the Court, and such Court Martial shall have power and authority to administer an Oath to any Witness in order to the Examination or Tryal of any of the offences that shall come before the said Court. PROVIDED always that in all TRYALS by a Court Martial by Virtue of this Act, every officer present at such Tryal, before any proceedings be had thereupon, shall take an Oath upon the holy Evangelists before one of the Judges of the Supreme Court, or one of the Judges of the Inferior Courts of Common pleas, in the several Counties where such Courts Martial are held, who are hereby Authorized to Administer the same, in these words, that is to say. I A. B do swear, that I will duly Administer Justice according to Evidence, and to the direction of An Act Intitled [An Act for the regulating the Militia of the Colony of New York] without partiality Favour or affection, and that I will not divulge the sentence of the Court until it shall be approved by the Governor or Commander in Chief for the time being, neither will I upon any Account at any time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court Martial. SO HELP ME GOD.

And no sentence of death or other sentence shall be given against any offender, but by the concurrence of the Major part of the officers so sworn, which Major part shall not be less than nine. and no sentence against any Delinquent shall be put in Execution until Report be made of the whole proceedings to the



Governor or Commander in Chief for the time being, and his Directions signified thereupon.

WHEREAS there are in this Colony many of the people called Quakers, who from Religious or conscientious scruple are averse to the bearing of Arms or Military Service. BE IT THEREFORE ENACTED by the Authority aforesaid that no person being of the people called Quakers, shall be liable to any other or greater Fine, during the continuance of this Act, than the sum of twenty shillings for not inlisting or refusing or neglecting to do duty in the Militia of this Colony, which fine shall be levied in three Months after the publication of this Act. But if any such person being duly warned shall refuse or neglect to serve on any Military Watch appointed by virtue of this Act, or to send a sufficient and well armed Man in his place he shall forfeit for every such offence the sum of ten Shillings.

AND WHEREAS An Act of the Parliament of Great Britain was passed in the twenty second year of his present Majesty's Reign Entitled [An Act for encouraging the people known by the name of Unitas Fratrum or united Brethren to settle in his Majesty's Colonies in America] whereby every person who is a Member of the Church or Congregation called Unitas Fratrum or United Brethren, and who shall reside in any of his Majesty's Colonies in America, is exempted from bearing arms or doing Military service, in any of the said Colonies; But shall nevertheless contribute and pay such Sums of money, as shall be rated and assessed on such person, in lieu of such personal service. And although such contribution may be a reasonable compensation to the publick for the want of such Personal Military service: Yet in times of eminent danger every one ought to exert himself to his utmost in the defence of his Country, and as such Persons may be usefully employed in services no ways incompatible with their Religious sentiments. BE IT THEREFORE ENACTED by the Authority aforesaid that in Lieu of the personal Military service of the people of the said Church or Congregation, called Unitas Fratrum, or United Brethren, who reside in this Colony, every of them claiming such Exemption, shall pay the Sum of twenty shillings to be levied in three Months after the publication of this Act. And every of them who being duly warned to serve on such Military Watch as aforesaid, shall neglect or refuse so to do, or to send a sufficient well Armed Man

In his stead, shall forfeit for every such neglect or Refusal, the Sum of ten Shillings. And the people of the said Church or Congregation; and also all such who are of the people called Quakers; who refuse to bear Arms: shall in time of Alarm or Invasion severally appear provided with one good spade, Iron shod shovel, and pick ax, and six Empty Bags, each Bag sufficient to contain two Bushells, and shall serve as Pioneers or Labourers, or upon any other than Military service in such manner as shall be directed by the Governor or Commander in chief for the time being, or the Commanding officer in the place where such Alarm or Invasion may happen, under the penalty of one hundred pounds.

AND BE IT ENACTED that the several Rates, Penalties, Fines, and Forfeitures, which shall accrue and grow due from the people of the said Church or Congregation, and from the people called Quakers, shall be paid to the respective City or County Treasurers, where the same shall arise. And on non payment thereof, such Treasurers respectively, shall forthwith make Application to any one Justice of the Peace, for a Warrant to levy the same by distress and Sale of the offenders Goods, who is hereby directed to grant such Warrant, and if no Goods be found on which to levy such Rate, Fine, or Forfeiture, then to commit the offender to the County Goal, there to remain until such Rate Fine or Forfeiture and the Fees of such Warrant are paid. And the said County Treasurers shall from time to time render just and true accounts upon Oath, of all the moneys which they shall so receive, to the Governor or Commander in Chief, And by his order apply the same towards purchasing of Arms and Ammunition for the use of the said Cities or Counties respectively, which shall be Lodged in the Respective City or County Halls under the care of the several Sherifs, and delivered out from time to time as the Governor or Commander in chief shall appoint and direct.

BE IT FURTHER ENACTED by the same Authority that no person pretending, or claiming to be a Member of the said Church or Congregation of the Unitas Fratrum or United Brethren, or pretending or claiming to be of the People called Quakers, shall be entitled to exemption from Military service by Virtue of this Act, until he shall have entered his Name, place of abode, and occupation, with the Clerk of the City or County in which he dwells or resides, who is hereby directed and required upon the



application of every such Person, and on his producing such Certificate as the Laws require in the like cases, to Enroll the same; and to give him a Certificate thereof under his hand, and seal of Office; for which the said Clerk shall receive one Shilling and six pence and no more: which Certificate shall intitle the Person whose name is mentioned therein to have been Enrolled as aforesaid, to the benefit of this Act, And the said respective Clerks are once every three Months to transmit to the Secretary of this Colony or his Deputy, true Copies of all such Entries or Enrollments to be Lodged in the office of the said Secretary, and copies thereof also to the Treasurer of the City or County for which the said Clerks are respectively appointed; or in default thereof the said Clerks shall respectively forfeit the Sum of five pounds, to be recovered and applied in the same manner as the several Fines and Forfeitures mentioned in the next preceeding Clause in this Act, are directed to be recovered and applid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that no officer or Soldier by this Act directed to appear, and Muster as aforesaid, or that shall be appointed to Watch, shall be liable to be taken by any officer in any Civil Action whatsoever, on the day whereon such person is directed to appear or Watch, or in any reasonable time either in going to, continuing at, or returning home from, the place or places appointed to Muster or Watch: and all officers are hereby required to take notice hereof, and Govern themselves accordingly.

BE IT ALSO ENACTED by the Authority aforesaid that if any Person or Persons shall be sued Molested, or impleaded for any matter or thing lawfully done and commanded in the Execution and performance of this Act, he or they shall plead the General issue, and give this Act in Evidence, and if the plaintiff discontinue his Action, be nonsuited, or a Verdict pass against him, the Defendant shall recover treble costs; nor shall any suit or Suits be admitted or allowed to be brought unless it be done within three Months next after the offence is Committed

AND BE IT ENACTED by the Authority aforesaid that One Act Entitled [An Act to regulate the Militia of this Colony] passed in the thirteenth year of his present Majesty's Reigat And one other Act Entitled [An Act to continue An Act entitled an act to regulate the Militia of this Colony with an Alteration thereto] passed in the twenty eighth year of his said Majesty's Reign, and all Acts for reviving or continuing the

said first mentioned Act shall be, and every Article Clause and thing in the said Acts contained, are hereby Repealed made Void and rendered of no force or Effect.

AND BE IT ALSO ENACTED that nothing in this Act shall be construed to Subject the Gentlemen of his Majesty's Council, and the Members of the General Assembly, not holding any Military office; or Ministers of the Gospel; to do any Military duty whatsoever

PROVIDED ALWAYS AND BE IT FURTHER ENACTED that nothing in this Act contained, shall be intended or construed to derogate from, or in any wise lessen or diminish, the powers lodged or invested in the Governor or Commander in chief for the time being, by his Majesty's Letters Patent, Commission, or other power whatsoever; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

AND BE IT ENACTED that this Act shall be of force for one whole year from the Publication thereof, and no longer.

[CHAPTER 973.]

[Chapter 973, of Van Schaack, and chapter 52 (vol. 2) of Livingston & Smith, where the title only is printed. Explained by chapter 990. Provided for by chapter 1061.]

An Act to prevent infectious Distempers being brought into this Colony and to hinder the Spreading thereof

[Passed, May 3, 1755.]

IN order as much as may be to prevent the Small Pox Yellow Fever or any other Contagious Distempers being brought into this Colony BE IT ENACTED by his Honor the Lieutenant Governor the Council the General Assembly and it is hereby Enacted by the Authority of the Same that all Vessels having the Small Pox Yellow fever or other Contagious Distemper on Board and all Persons Goods and Merchandizes' Whatsoever coming or imported in Such Vessels and all Vessels coming from any place infected with such Distempers Shall not come into any the Ports or Harbours of this City or Nearer the Same City than the Island Commonly called Bedlows Island And Shall be obliged to make their Quarentine there or in Such other place or Places for such time and in Such Manner as the Governor or Commander in Chief by and with the advice and consent



of his Majesties Council Shall think proper and Reasonable to direct and appoint and untill Such Vessel Person Goods and Merchandizes Shall have Respectively performed and be discharged from Such Quarentine no Such persons Goods or Merchandizes or any of them Shall come or be brought on Shore unloaded or go or be put on Board of any other Vessell within this Colony or the Neighbouring Colony of New Jersey unless they shall be first permitted and Licensed by order from the Governor with Consent of the Council And all Masters or Commanders of Such Vessels and all others who Shall presume to put on Shore unload or put on Board any other Vessell as Aforesaid any Person or Persons Goods or Merchandizes contrary to the True intent and Meaning of this Act having first Notice thereof Shall forfeit the Sum of Five hundred Pounds Current Money of this Colony

BE IT ALSO ENACTED by the authority Aforesaid that the Several Branch Pilots belonging to this Colony or any other Person or Persons who shall be thereunto appointed and Sent by the Government Shall use their utmost eudeavours to hail every Vessel coming into this Colony from Sea and if he shall be informed the Said Vessel hath come from any place infected with the small Pox Yellow Fever or any other Contagious Distemper or hath any Person or Persons Sick on Board with any such Distemper they Shall immediately give Notice to the Commander of the said Vessell of the Penalty Aforesaid and forbid his going any further with his Vessell than Bedlows Island aforesaid and that he Anchor there untill he shall have further directions from the Governor and Council of this Colony what to do and how to Conduct himself and also to forbid his putting on Shore unloading or Putting on Board any other Vessell any Person or goods out of his Said Vessel under the penalty Aforesaid And any branch Pilot or any other Person thereunto Appointed Neglecting his or their duty therein Shall respectively forfeit the Sum of Fifty Pounds And if any person or Persons Shall come on Shore from such Vessell it shall and may be lawfull by force and Violence to compel Such person or Persons to return on Board the said Vessel or to dispose of them in some other place in order to prevent the infection And in case any Vessel Shall come FROM any place Visited with such Contagious Distempers or have any Person or Persons on Board actually Infected with the Small Pox Yellow fever or other Contagious

Distemper and the Commander of such Vessel upon demand made as Aforesaid Shall not make a True discovery thereof Such Commander shall forfeit the sum of Five hundred Pounds And the Governor or Commander in cheif of this Colony is hereby Authorized and impowered to Appoint Some Surgeon or Physician to inspect all Vessels and Persons Suspected of having on Board or being Visited with any of the Said infectious Distempers who is hereby Required immediately to go on board such Vessel and make Strict enquiry in the premises and report the same accordingly for which enquiry and Examination such Surgeon or Physician Shall be paid by the owner or Master of the said Vessel the sum of Twenty Shillings for each such Examination

AND BE IT FURTHER ENACTED by the Authority Aforesaid that the Aforesaid fines and Forfeitures Shall be one third to any Person or Persons who will Sue for and prosecute the Same to effect and the other two thirds to his Majesty his Heirs and Successors for and towards the Support of his Government in this Colony and be paid into the Treasury for that purpose Accordingly. This act to Continue and remain of force for one Year from the Publication thereof and no longer

#### [CHAPTER 974.]

[Chapter 974 of Van Schaack, and chapter 53 (vol. 2) of Livingston & Smith, where the act is printed in full.]

An Act to enable the Inhabitants of Schenectady to Fortify the Said Town

[Passed, May 3, 1755.]

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the same That the Justices of the Peace Field officers and Captains of the Militia of the Township of Schenectady or the Major part of them are hereby required and directed to make a Computation of the Number of Stockadoes which Shall be wanting and necessary to be gotten in order to the repairing finishing and compleating the Fortifications round the Said Town And then the Said Justices Field Officers and Captains or the Major part of them are hereby Authorized im-



powered and required to Assemble themselves at the Said Town and there to Assess each and every Freeholder Inhabitant and Resident of the whole Township Aforesaid how many and what number and proportion of Stockadoes each Respective Freeholder Inhabitant and Resident Shall at his and their own expense bring or cause to be brought to the Said Town in order for the Carrying on such Fortifications and to Such place in the said Town and within such convenient time as they the Said Justices Field officers and Captains or the Major part of them Shall direct And in case any person Shall refuse to bring the Number he is ordered to the place within the time as Aforesaid he shall for each Stockadoe he Neglects or Refuses to bring forfeit the Sum of Four Shillings to be recovered before any Justice of the Peace of the County of Albany which money shall by the said Justice be applied towards completing the Said Fortification.

AND WHEREAS the lines and places most proper and necessary to Fortify the Said Town run over part of Lots or Pasture of private Persons whereby many disputes may Arise for prevention whereof BE IT ENACTED BY THE AUTHORITY AFORESAID that it Shall be Lawfull to and for the said Justices Field Officers and Captains or the major part of them to Summon the owner or owners of Such Lots or Pastures before them and endeavour in a Friendly and Amicable manner to purchase the Same for the use of the Said Township at Such reasonable Rates as they Shall agree on but in case the owner or owners of Such Lots or Pastures Shall be unwilling to Sell and dispose of the Same for the use Aforesaid or that the Price cannot be Agreed upon that then and in Such case or cases it Shall and may be lawfull to and for the Said Justices or the Major part of them To issue their Warrants under their hands and Seals directed to the Constables of the Said Township or any of them to Summon twelve good and Lawfull Men of the Said County to View Such Lots or Pastures in which Such Fortifications or Stockadoes Shall be directed to be built and to Appraise the Value thereof upon oath and the damages which the owner or owners thereof may reasonably Sustain by reason of Such Fortification or Stockadoes being thereon erected which appraisment the Said Constables or any of them Shall Return to the Said Justices under his or their Seals and the Seals of those by whom the Same was MADE and the Said Justices Shall transmit the

Said appraisment So returned to them unto the Supervizors of the Said County who Shall and they are hereby directed im-  
powered and Required to cause the Sum So appraised to be  
raised levied and Collected upon the Freeholders Inhabitants  
and Residents of the Township aforesaid in the Same manher  
as the Necessary and Contingent Charges thereof are and the  
Same So raised Levied and Collected to be paid unto the Owner  
or Owners of Such Lotts or Pastures within Ten Months after  
Such Appraisment and immediately thereafter the said Lots or  
Pastures Shall belong to the Said Township for the uses Afore-  
said

## [CHAPTER 975.]

[Chapter 975 of Van Schaack, and chapter 54 (vol. 2) of Livingston & Smith. where the title only is printed.]

An Act for Naturalizing the Several Per-  
sons therein mentioned.

[Passed, May 3, 1755.]

WHEREAS Christian Sevenbergh, Johan Baltus Disch, Hen-  
drick Fritz, Christopher Felthuysen, John Georg Felthuysen,  
Jacob LeRoy, Christian Muldrup, Casper Crapser Isaac Crapser,  
Matthias Smith, Christopher Smith, John Godfrey Miller,  
Micheal Hoffman Nicholas Steck, Jacob Tiefendorph, John Mor-  
rison, Hendrick Heger, Solomon Myer, Jacob Myer, Henry Bell,  
Micheal Overacker, Jacob Miller, Wendel Overacker, Hans Jury  
Hoffgoet, Karel Hering, Adam Appler, John Mainser, Martin  
Galler, Jacob Abel, John Backus, Jacob Stover junior, Lowrens  
Mainser, Christopher Armbrister, John Sherp Micheal Poltz,  
Micheal Zeeger, Leonard Wayger, Everard Wayger, Barent Way-  
ger Hans Jury Wayger, George Waltmayer, Jacob Sherp, Mat-  
thew Brough, Micheal Sherp, Adam Asher, Bartholomew Metz,  
Simon Woester, Henry Alendorph, Cornelius Miller John Ron-  
kill, William Waldorph, John Crapser, Uldrick Crapser, Christo-  
pher Ring, Coenradt Angle, Henry Whiteman, Pieter Kleyn,  
Johan Kitterman, Johan Hess, Tunis Poutcher, Nicholas Taft,  
John Volmar, Jacob Walter, Jacob Waldorph, Philip Karger  
Christopher Cramer, Micheal Polfer, Peter Polfer, Godfreyd  
Gyselbreght, George Trimper, Christopher Jacobsen, Joost Jaus-  
sen Levy Solomons and Chapman Abrams Have by their Petition



desired they may be Naturalized and become his Majesties Leger Subjects within this Colony

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same That the before mentioned Several Persons and each and every of them Shall be and hereby are declared to be Naturalized to all Intents, Constructions and Purposes whatsoever and from henceforth and at all times hereafter shall be Intituled to have and Enjoy all the Rights and liberties Privileges and Advantages which his Majesties Natural Born Subjects in this Colony have and Enjoy or ought to have and enjoy as fully to all Intents and purposes Whatsoever as if all and every of them had been Born within this Colony

PROVIDED ALWAYS and it is hereby further Enacted by the same Authority That all and every and each of the before mentioned Persons Shall take the Oaths Appointed by Law Instead of the Oaths of Allegiance and Supremicy Subscribe the Test and Make, Repeat Swear to and Subscribe the Abjuration Oath in any of His Majesties Courts of Record within this Colony which Oaths the said Courts are hereby Required upon Application to them made to administer take Subscriptions and Cause the Names of the Persons So Swearing and Subscribing to be Entered upon Record in the Said Court And the Said before mentioned Persons are each of them hereby Required to Pay the Several Sums herein After Mentioned That is to Say to the Speaker of the General Assembly the sum of Ten Shillings To the Judge of the Court the sum of Six Shillings and to the Clerk of such Court the sum of three Shillings

AND be it further Enacted by the authority Aforesaid that if the Said Persons or any of them having So Sworn and Subscribed as Aforesaid Shall demand a Certificate of his or their being Entered upon Record in the manner herein before directed The Court or Courts in which Such Oaths and Subscriptions Shall be made are hereby directed and Required to grant Such under the hand of the Judge and Seal of the Said Court or Courts in which Such Oaths and Subscriptions as Aforesaid shall be Made Countersigned by the Clerk of the Said Court for which Certificate each of them Shall pay over and above the Sums before mentioned the sum of Six Shillings One half to the Judge of Such Court or Courts and the other half to the Clerk thereof,

which Certificate or Certificates Shall at all times be to the person or Persons therein named a Sufficient proof of his or their being Naturalized by Virtue of this Act in as full and effectual a Manner as if the Record Aforesaid was Actually produced by the Person or Persons So Named in Such Certificate

PROVIDED ALSO and be it further Enacted by the authority Aforesaid that Such of the Persons hereby Naturalized as Shall not take the Oath Test and Abjuration in Manner herein before directed within Nine Months after the Publication hereof Shall have no manner of benefit by this Act any thing therein Contained to the Contrary Notwithstanding

[CHAPTER 976.]

[Chapter 976 of Van Schaack, and chapter 55 (vol. 2) of Livingston & Smith, where the title only is printed. See chapter 971. Repealed by chapter 1022.]

An Act to continue An Act intituled An Act to restrain the sending of Provisions to Cape Breton or any other French Port or Settlement on the Continent of North America or Islands nigh or Adjacent thereto.

[Passed, May 3, 1755.]

WHEREAS An Act entitled An Act to restrain the sending of Provisions to Cape Breton or any other French Port or Settlement on the Continent of North America or Islands nigh or adjacent thereto, passed in the twenty eighth year of his Majesty's Reign, will expire by its own Limitation on the eleventh day of June next And the same having been found highly usefull.

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the same, that the said Act shall be and hereby is continued and every Clause Article Matter and Thing therein contained, enacted to be and remain in full force and Virtue to all intents Constructions and purposes whatsoever from the said eleventh day of June until the first day of November in the present year of our Lord One thousand seven hundred and fifty five.



## [CHAPTER 977.]

[Chapter 977 of Van Schaack, where the title only is printed. Chapter 56 (vol. 2) of Livingston & Smith, where a portion of the act is printed Explained by chapter 987.]

An Act for paying and Subsisting Eight Compleat Company's of one hundred effective Men each officers included to Assist in Conjunction with the Neighbouring Colony's in Erecting one or more Forts nigh Crown point within his Majesties Dominions; for Raising the Sum of Ten thousand Pounds for and towards the said Service, and for making Current Bills of Credit to the amount thereof and other the purposes therein Mentioned

[Passed, May 3, 1735.]

WHEREAS many Encroachments and Settlements have been made by the subjects of the French King within his Majestie Dominions on the Northern Frontiers to the great Annoyance of his Majesties good Subjects living near the same and for Prevention of Such Encroachments for the future one or more Forts Erected near Crown Point it's Conceived may be very serviceable.

BE IT THEREFORE ENACTED by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that there shall be given and granted unto his Majesty His Heirs and Successors to and for the uses and purposes Aforesaid and to no other use or Purpose the sum of Ten thousand Pounds which shall be Assessed Raised and levied upon the Estates Real and Personal of all and every the Freeholders; Inhabitants and Residents within this Colony and shall be Collected and paid in manner following that is to Say the said Sum of Ten thousand Pounds on or before the first Tuesday in November which will be in the Year of our Lord One thousand Seven hundred and Sixty one Which said Sum shall be raised Levied and Paid by the Freeholders Inhabitants and Residents in the Several City's & County's within this Colony in the year Aforesaid according to the Quota's and proportions following that is to Say.

IN the City and County of New York the sum of Three thousand Three hundred and Thirty three Pounds towards the said Ten thousand Pounds.

IN the City and County of Albany the sum of One thousand six hundred and sixty six Pounds, towards the Said Ten thousand Pounds.

IN Kings County the Sum of Four hundred and Thirty one pounds towards the said Ten thousand Pounds

IN Queens County the sum of Eight Hundred and Ninety Two pounds towards the Said Ten thousand Pounds.

IN Suffolk County the sum of Seven hundred and Sixty Seven pounds towards the Said Ten thousand Pounds.

IN Richmond County the Sum of Two hundred and Seventy one Pounds towards the said Ten thousand Pounds.

IN Westchester County the sum of Eight hundred and Ninety two Pounds towards the Said Ten thousand pounds.

IN ulster County the Sum of Seven hundred and Sixty Seven pounds towards the Said Ten thousand pounds.

IN Dutchess County the Sum of Seven hundred and thirteen pounds towards the Said Ten thousand Pounds.

IN Orange County the sum of Two hundred and Sixty Eight Pounds towards the said Ten thousand pounds.

AND to the end the full sum intended to be raised by this Act may be effective and Compleat BE IT ENACTED by the authority Aforesaid that over and above the Several Quota's above mentioned there shall be raised Levied Assessed and Collected the Respective Sums following, that is to say, on the Quota for the City and County of New York the sum of Nine pence over and Above every pound to be retained in the hands of the Several Collectors as a reward for their Trouble in Collecting and paying the same to the Treasurer of this Colony and on the Quotas for the City and County of Albany and all other Counties in this Colony the Sum of one Shilling over and Above every Pound Out of which the several and Respective Collectors may Retain in their hands the sum of Nine pence on each pound for Collecting and Paying the same to the several and respective County Treasurers and the remaining three pence the County Treasurers Respectively may retain in their hands as a Reward for their trouble and service in receiving and paying the Mony's Arising by this Act to the Treasurer of this Colony



AND to the end the assessments may be made in due Manner by the Assessors that the Sums intended to be Raised by this Act may be Collected and paid as is hereafter Mentioned and appointed and that the Assessments may be truly equally and impartially Made as of right they ought to be, BE IT ENACTED by the Authority Aforesaid that the Mayor Recorder and Aldermen of the City and County of New York or the greater part of them for the time being Shall meet and Assemble at the City Hall of the Said City on the first Tuesday in June in the Year Aforesaid And then and there issue their Warrants to the several and respective Assessors Aforesaid to take a true and exact account of all the Estates Real and Personal of the Freeholders Inhabitants and Residents within the Several Wards of the said City and County for which they at the time of issuing Such Warrants Shall be assessor or assessors And a true equal and impartial Assessment to make and the same at a Day on the said Warrants to be prefixed by the Mayor or Recorder and Aldermen or the Major part of them then Met to exhibit And when the said Assessments are by the said Assessors Completed and a full accompt of the same truly Cast up according to the Pound Value of the said Estates so that the Quota with the Allowance for the City and County of New York be Apparent and Made Known Then the said Mayor Recorder and Aldermen or the Major part of them shall issue their Warrants to the several and Respective Collectors within the SAID City and County to Collect the Quota with the allowance by this Act directed And that the same be paid unto the Treasurer of this Colony on or before the first Tuesday in November for the Year Aforesaid

AND in order that the Assessments may be truly equally and impartially made and done BE IT ENACTED BY THE AUTHORITY AFORESAID that every Assessor that Shall be Chosen and Elected within the City and County of New York for the Year Aforesaid Shall before he enters upon the performance of the duty and Service required of him by this Act take an Oath upon the Holy Evangelists of Almighty God in the words following to wit I, A. B. do Swear that I will well and truly equally and impartially and in due proportion According to the best of my Skill Knowledge and Understanding Assess and Rate all the Freeholders Inhabitants and Residents of the Ward for which I am Chosen an Assessor. Which Oath the Said Mayor, Recorder and Aldermen or the Major part of them So Met are hereby impowered required and directed to administer

AND for the effectual Assessing Collecting and Paying the respective Quota's for the City and County of Albany and all the other County's in this Colony together with the before Mentioned Allowance to the Collectors and County Treasurers BE IT ENACTED by the Authority Aforesaid that the supervisors of the said City and County and of all the other respective Counties in this Colony or the Major part of them Respectively shall meet on the first Tuesday in June in the Year Aforesaid where the Majority of supervisors respectively then met shall cause the Respective Quota's and Allowances Aforesaid of each County to be raised assessed Levyed and Collected in the same Manner as the other Necessary and Contingent Charges, thereof are and the Respective Collectors are hereby required and enjoyned to pay the Respective Quota's to be by them Collected unto the Respective County Treasurers on or before the first Tuesday in October in the Said Year And each of such County Treasurers are hereby enjoyned and Required to Pay the Respective Quota's of their Counties to the Treasurer of this Colony on or before the first Tuesday in November then next following

AND be it further Enacted by the Authority Aforesaid that in case any of the Collectors shall Neglect or delay to make their respective Payments to the Respective County Treasurers for the space of three Months Next After the time Appointed by this Act the said County Treasurers shall be and hereby are enabled directed and Required to Commence Actions in their own Names Respectively for the said sum or Sums or such part thereof as Shall be then unpaid in the County Court where such default shall happen And prosecute the Same to effect And in Case any of the Respective County Treasurers Shall Neglect their Respective Duties herein all such sum or sums of Money shall be deemed taken and esteemed Assets in their hands Respectively And they shall be Chargable therewith as having RECEIVED the same by the Treasurer of this Colony who shall be and hereby is enabled directed and required in his own Name to Commence Actions for the same in the Supream Court of this Colony within one Month After such default Made by any of the County Treasurers respectively and Prosecute the same to effect And in Case the Treasurer of this Colony shall Neglect his duty herein all such sum or sums of Money so being unpaid



shall be Deemed taken and Esteemed Assets in his hands and he shall be Chargeable therewith as if he had Actually received the same And in Case any of the Collectors in the City and County of New York shall Neglect or delay Making their Payments of the Aforesaid Tax for one Month After the time directed by this Act The said Treasurer shall be and hereby is enabled Directed and required in his own Name to Commence Actions Against Such Defaulter or Defaulters and Prosecute the same to effect and in Default of such Prosecution the money so unpaid shall be deemed taken and esteemed Assets in his hands as if he had actually received the same Any Law Usage or Custom to the Contrary Notwithstanding

AND be it Enacted by the authority Aforesaid that Such Mayor Recorder Aldermen Supervizors Assessors Collectors or County Treasurers within this Colony as shall deny refuse Neglect or delay to do perform and execute all or any of the Powers Duties and Authority's by this Act required of him or them to be done and shall be thereof Lawfully Convicted in any of his Majesties Courts of Record he or they shall suffer such pains by fine or Imprisonment as by Discretion of such Court or Courts shall be Adjudged

AND WHEREAS in and by one Act passed in the Twenty Eight Year of his Majesties Reign Entituled "An Act for Raising a supply of Forty five thousand Pounds by a Tax on Estates Real and Personal for putting this Colony into a proper Posture of Defence for furthering his Majesties designs against his Enemies in North America and other the Purposes therein Mentioned for emitting Bills of Credit for the like Sum and for Sinking and Cancelling the Said Bills in Short Periods" There was allowed unto the Mayor Recorder and Aldermen of the City and County of Albany the sum of six thousand Pounds to be by them employed in Fortifying and Securing the City of Albany Unto Jacob Glen Joseph Yeates Jun'r and Joseph R. Yeates three thousand pounds to be by them employed in Fortifying and Securing the Town of Schenectady Unto Cornelius Van Schaack and Abraham Van Aelstyn one thousand Pounds for Fortifying and Securing the Town of Kinderhook And unto Philip Schuyler the sum of six hundred Pounds to be by him employed in Building a Fort on Hudsons River beyond the City of Albany And since the passing the said Act this and the Neighbouring Colony's having agreed to

Erect a strong Fortress Near Crown Point on the Northern Frontiers for the defence and Security thereof Wherefore it is thought the aforesaid several sums of Money may be better employed than was intended by the said Act BE IT THEREFORE ENACTED by the Authority Aforesaid that THE Said Several Clauses and every of them Shall be and hereby are Repealed and the Money allowed thereby Shall be and Remain in the Treasury and be applied as by this Act is directed.

AND be it Enacted by the authority Aforesaid that the Treasurer of this Colony Shall out of the money's to be Raised by this Act and of the monies Now in the Treasury intended for the uses mentioned in the Aforesaid Repealed Clauses And of the Monies now Remaining in the Treasury unappropriated Raised by Virtue of the aforesaid Act Pay unto Philip Verplanck Esquire the sum of Nine thousand Pounds to be by him Applied in the Payment of Eight Hundred effective Men Volunteers who are to be employed in Conjunction with the Neighbouring Colonies in Erecting one or more Forts on his Majesties Lands Nigh Crown Point for the defence and Protection of the Northern Frontiers After the following Rates Viz't To one Colonel at the Rate of sixteen shillings per Diem To one Major Twelve shillings per Diem To Eight Captains Eight shillings per Diem To Sixteen Lieutenants Six shillings per Diem Unto Thirty-two Sergeants at the Rate of one shilling & Eight pence pr Diem Unto Eight Drummers at the Rate of one shilling & Six pence per Diem unto Twenty four Corporals at the Rate of one shilling & six pence pr Diem Unto Seven hundred and Twelve private Men at the Rate of Fifteen pence per Diem each Deduction to be made for any Deficiency in that Number by Death or otherwise which Forces he is hereby directed to Pay Monthly According to the Number that shall be in Actual service and Not otherwise which Shall be ascertained by the Muster Rolls of the several Company's Monthly delivered to the said Paymaster upon the Oath of the several Captains of each Company or the Oath of the Commanding Officer thereof at the time of such Muster which Oath the said Paymaster is hereby impowered and required to Administer And the said Paymaster is hereby further Required and Directed to Pay Monthly to one Doctor Providing two able assistants to attend the Said Forces the sum of Twenty shillings per Diem and also to provide him with a proper Chest of Medicines of the Value of sixty Pounds



And unto each of the said Captains to defray the Expence of Raising their Compleat Companies of one hundred effective Men Officers' included the sum of One hundred pounds upon the first Muster of the Company And unto each of the said Captains as and for an Encouragement to each Able bodied & effective Man who shall Voluntarily inlist himself for the service Aforesaid the sum of thirty two Shillings and six pence and a good Blanket upon the first Muster of the Company into which he Shall be inlisted together with a good Lapelled Coat a Felt hat one Shirt Two pair of Oznabrigs Trowsers one pair of Shoes and one pair of Stockings Which said Respective Sums allowed to the Captains for the Expence of Raising their Respective Company's and for the men who shall be inlisted under them together with the Blankets and Clothing aforesaid shall be paid and delivered unto them on such Certificates as are herein After Mentioned signed by the Respective Magistrates impowered to give the same.

AND to the end that the Musters may be duely and Regularly Made and no deceit or fraud practised therein BE IT ENACTED by the Authority Aforesaid that the Musters in the City's of New York and Albany shall be before the Mayor and any two ALDERMEN of the Said City's And the Musters that shall be made in any of the County's in this Colony shall be before one of the Judges of the inferiour Court of Common pleas and two Justices of the peace in the said Counties Which magistrates upon any Muster being made before them shall strictly examine whether all the Men there produced in order to be Mustred are able body'd men and whether they are really and truly inlisted under the Captain Producing them to go in Conjunction with the Men Raised in the Neighbouring Colony's for the services Aforesaid And finding them upon such Examination to be able bodied Men and that they are really and truly inlisted under such Captain to go upon the Said Service they shall give the Said Captain a Certificate thereof And in Case any Captain Shall produce any Certificate of a greater Number of able bodied Men than are really and truly Mustred by him as Aforesaid or that any Magistrate shall sign any such false Certificate they shall Respectively forfeit the sum of One hundred Pounds One half thereof to be to his Majesty his Heirs and Successors towards Carrying on the Services Aforesaid the other half to any person who will sue for the same in any Court of Record within this

Colony where No Essoin Protection Wager of Law or any more than one imparlance Shall be allowed

AND Whereas it is proposed to take a number of men of the neighbouring Colony's into the service of this Colony on the aforesaid Enterprize BE IT ENACTED by the authority Aforesaid that every Captain from the said Neighboring Colonys who shall Produce to his Honour the Lieutenant Governor or Commander in Chief of this Colony for the time being a Certificate from their Respective Governors of his having raised a Company of one hundred effective Men officers included for the service of this Colony shall be Intitled to Receive the several before mentioned bounty's for the use of himself and Company from the Treasurer of this Colony to be paid by an order from the Lieutenant Governor or Commander in Chief for the time being which orders with the Receipts of the Said Captains Endorsed thereon shall be a good Voucher to the Treasurer for the same.

AND that none of his Majesties Subjects that are inclined to go upon the Service Aforesaid should be impeded or debarred from entering Voluntarily therein BE IT ENACTED by the authority Aforesaid that no person who is inlisted or shall inlist and enter himself a Volunteer in the said service shall during the same be liable to be taken therefrom by any Process or Execution whatsoever other than for some Criminal Matter unless for a Debt or other just cause of Action and unless before the taking out of such Process or Execution (not being for a Criminal Matter) the Plaintiff or Plaintiffs therein or some other person or Persons on his or their behalf shall make affidavit before one or more Judge or Judges of the Court of Record or other Court out of which such Process or Execution shall issue or before some Person Authorized to take Affidavits in such Courts that to his or THEIR Knowledge the Original sum justly due and owing to the Plaintiff or Plaintiffs from the Defendant or Defendants in the Action or Cause of Action on which such Process shall issue or the Original Debt for which Such Execution shall be issued out amounts to the Value of Twenty Pounds Current Money of the Colony of New York over and above all Costs of suit in the same Action or in any other Action on which the same has been or Shall be grounded A Memorandum of which Oath shall be Marked on the Back of such Process or Writ for which Memorandum or Oath no fee shall be taken And if any



Person Shall Nevertheless be Arrested contrary to the intent of this Act it shall and may be Lawfull for one or more Judge or Judges of such Court upon Complaint made thereof by the party himself or by any of his Superior officers to examine into the same by the Oath of the parties or otherwise And by Warrant under his or their hands and seals to discharge such soldier so Arrested or detained Contrary to the intent of this Act without Paying any Fee or Fees upon due proof made before him or them that such soldier so Arrested or detained was legally inlisted for the Service Aforesaid And was Arrested and detained contrary to the intent of this Act.

AND be it further Enacted by the Authority Aforesaid that no Person or Persons whatsoever who shall Voluntarily inlist for the service Aforesaid shall be liable to be impressed or detached upon any future service for the Time of Two years thereafter

AND be it Enacted by the Authority Aforesaid that any Person or Persons who are willing to inlist and shall Accordingly inlist for the service Aforesaid who are now detained in Goal upon Execution or any process in any Civil Action wherein the original Cause of Action did not amount to the sum of Twenty pounds Shall upon Producing a Certificate of Such Inlistment to any Judge or Judges of the Court from whence such Process issued be discharged from imprisonment without paying Fees Provided Nevertheless that such discharge shall not be deemed an Extinguishment of any such Debt but that any Plaintiff or Plaintiffs may be at liberty to proceed to Judgment and Execution against the Goods of any such Defendant and also against their Person or Persons six months After he or they shall be discharged from the said service

AND be it further Enacted by the Authority Aforesaid that in Case any person or Persons whatsoever engaged in the Aforesaid Service either as Officers or Soldiers shall at any time during the said Service desert therefrom or shall begin exciting or Join in any Mutiny or Sedition in the Company to which he doth belong or in any other Company engaged in the Said Service or shall hold Correspondence with any Rebel or Enemy of his Majesty or give them advice or Intelligence by Letters Messages Signs or Tokens or any Manner of way whatsoever or shall strike or use any Violence Against his Superior Officer being in the Execution of his OFFICE or Shall Refuse to obey any Lawfull Command of his superior Officer they shall Respectively suffer Death or such other Punishment as shall

be inflicted by a Court Martial which Court Martial Shall be held Constituted and Appointed and have like powers and proceed in like Manner as Courts Martial held Constituted and appointed for Trying such offenders among his Majesties standing Forces within this Province.

AND be it Enacted by the Authority Aforesaid that the Treasurer of this Colony shall out of the Moneys in the Treasury as Aforesaid Pay unto Oliver De Lancey Esquire the sum of Seven thousand one hundred and Fifty Pounds Seven Shillings to be by him employed in the Purchasing of Eight Hundred Blankets Seven hundred and seventy four Suits of such Clothing as Aforesaid One hundred and Sixty Battoes One hundred and Sixty Tents, Twenty four hundred Weight of Gun powder Seventy Two hundred weight of Lead Four thousand Eight hundred Flints one hundred & ninety two Barrels of Pork Two hundred and Twenty four Barrels of Beef One hundred and twelve thousand weight of Bread and Flour Three thousand three hundred and Seventy five Gallons of Rum Eight hundred and Seventy five Bushels of Pease Eight Barrels of Vinegar Twelve Tierses of Rice, Sixteen hundred weight of Butter, Sixteen hundred weight of Cheese Four hundred Indian Hatchets Eighty Wood Axes one Hundred and Sixty Brass Kettles One hundred and Sixty wooden Bowles Eight hundred Pewter Spoons and one hundred and Sixty Cantines to and for the use of the Forces to be raised by this Colony for the Service Aforesaid. All which aforesaid Provisions Blankets Cloathing Battoes and ammunition Tents and all other the before mentioned Articles Shall be delivered at Albany Unto the said Paymaster to be by him employed in Victualling the said Eight hundred Men and the other Services of the said Enterprize as directed by this Act. Of the due disposition of all which Aforesaid Articles he the said Paymaster shall render just and true accounts On Oath to his Honour the Lieutenant Governor or Commander in Chief for the time being the Council and General Assembly when by them or any of them thereunto Required.

AND to the end that the Aforesaid Commissioners may be encouraged to do and Perform the several and Respective Services by this Act required to be done and performed by them Respectively BE IT ENACTED by the Authority Aforesaid that the Treasurer Shall Pay unto them the sum of Two Pounds on every hundred pounds they shall imploy by Virtue of this Act



and in that proportion for a greater or Lesser Sum as a Reward for their Care and trouble in the several and Respective Services hereby Required to be done and performed by them

AND be It Enacted by the Authority Aforesaid that the said Commissioners before they Receive any part of the Money hereby directed to be paid unto them shall enter into the following Recognizances to our Sovereign Lord the King his Heirs and Successors that is to Say the said Oliver De Lancey before one of the Judges of the supreme Court of this Colony in the sum of Seven thousand one hundred and fifty pounds Seven shillings with two Sufficient sureties each in half that Sum Conditioned that he will well and Truly imploy and apply the Money's TO be so received by him as Aforesaid to and for the several and Respective uses and Purposes directed by this Act and well and duely to observe do and perform all the directions hereby required to be observed done and performed by him according to the true intent and Meaning of this Act And the Said Philip Verplanck in the sum Nine thousand pounds with Two Sufficient sureties each in half that Sum before any two Aldermen of the City of Albany Conditioned that he shall well and truly imploy and apply the Money's so to be Received by him as Aforesaid to and for the several uses and Purposes directed by this Act and well and duely observe do and perform all the directions hereby required to be observed done and performed by him according to the True intent and Meaning hereof Which Several Recognizances are to be filed and Recorded in the Supreme Court

AND be It Enacted by the Authority Aforesaid that if either of the before named Commissioners Shall fail of imploying and applying the money so to be Received by them in manner and for the Respective uses directed by this Act or omit to Observe do and Perform what is hereby required to be observed done and Performed by them in such Case or Cases the said Recognizances shall be proceeded upon in due form of Law Against Such offender or offenders or his or their Sureties in the supreme Court of this Colony wherein no Essoin Protection Wager of Law or more than one imparlance Shall be allowed and the Money to be Recovered in Consequence thereof Shall be paid into the Treasury of this Colony and be applied to and for such uses as shall hereafter be directed by Act or Acts to be Passed for that purpose.

AND be it Enacted by the Authority Aforesaid that of the due disposition and Application of the several sums of Money and Provisions Above Mentioned the said Commissioners Shall keep exact Books and render true and Distinct accounts thereof upon Oath to the Governor or Commander in Chief for the time being To the Council or to the General Assembly when by them or any of them thereunto Required.

AND be it Enacted by the Authority Aforesaid that if either of the said Commissioners Shall happen to Die Remove out of this Colony or refuse to act according to the several and respective Powers and authorities hereby directed and Required it Shall and may be Lawfull to and for the Governor or Commander in Chief for the time being by and with the advice and Consent of his Majesties Council to nominate and appoint some other fit Person or Persons in the place and Stead of him or them so Dying removing or refusing to Act as Aforesaid any thing herein contained to the Contrary Notwithstanding Provided that the Person or Persons who shall be Appointed Shall be obliged to enter into the like Recognizances with the like Sureties as herein is directed to be done by the said Commissioners before he or they be Intitled to receive any part of the MONEY herein Mentioned and in all respects to be as Subject to Observe do and perform the several directions of this Act as if he or they had been named or appointed in it.

AND be it Enacted by the authority Aforesaid that in case the Forces raised on the Aforesaid Service shall happen to be disbanded or dismissed from the said service before the Provisions aforesaid be Expended then and in such Case the said Respective Commissioners and in case of the Death or Removal of any of them Such other Person or Persons as shall be appointed in his or their Stead Shall be and hereby are Impowered and required to Sell on account and for the benefit of this Colony all Such of the aforesaid Provisions as shall at the time of such disbanding and Dismission remain unexpended and all the Money Arising by Such Sale they shall pay into the Treasury of this Colony there to Remain untill the same Shall be disposed of by Act or Acts hereafter to be Passed for that purpose.

AND be it Enacted by the authority Aforesaid that when the Treasurer Shall have Paid the Several Sums by this Act directed to be paid all the Residue of the money to be Raised by this Act And the Residue of the Money intended for the uses Mentioned



in the aforesaid repealed Clauses And the Residue of the Money raised and unappropriated by Virtue of the Abovesaid Act Shall Remain in the Treasury to be disposed of by Act or Acts hereafter to be passed for that purpose.

AND be it further Enacted by the Same Authority that the aforesaid several sums of money directed to be paid to the Respective before Mentioned Commissioners Shall be paid by the Treasurer of this Colony at such times and in Such proportion as shall be thought Necessary and Expedient by his Honour the Lieutenant Governor or Commander in Chief for the time being by and with the advice and Consent of his Majesties Council of this Colony for performing the several and Respective services directed by this Act

AND be it Enacted by the Authority Aforesaid that the Treasurer Shall keep exact Books of all his Receipts and payments by Virtue of this Act and a true and just account Shall render thereof upon Oath to the Governor or Commander in Chief for the time being the Council and the General Assembly when by them or any of them thereunto required.

AND WHEREAS by Reason of the heavy Load of Taxes wherewith this Colony is already Burthened it is conceived impracticable to have the first mentioned Sum of Ten thousand Pounds Collected and paid before the Year One thousand Seven hundred and Sixty one And the Services for which the same is intended requiring to be immediately provided for BE IT ENACTED by the authority Aforesaid that on the Credit of the Aforesaid Tax to be raised Collected and paid in the Year One thousand Seven hundred and Sixty one Bills of Credit to the amount of the Said Sum of Ten thousand pounds Shall be forthwith Printed made and issued and Lodged in the Treasury for the uses directed by this Act that is to Say Two Hundred Bills of Ten Pounds each Two hundred Bills of Five Pounds each Two hundred and Fifty Bills of Four pounds each Three hundred Bills of three pounds each One thousand two hundred and fifty Bills of Two pounds each One thousand one hundred Bills of Twenty Shillings each Two thousand Bills of Ten Shillings each And Two thousand Bills of five Shillings each. Upon each and every of which Bills Shall be impressed on the left Side THEREOF the Arms of the City of New York and under the Arms in different Characters these words, Its death to counterfeit this Bill, which Bill shall be in the form following that is to Say — By a Law of the Colony of New York this Bill Shall pass

current for New York the 12th May, one thousand seven hundred and Fifty five.—Which Bills shall be Signed by Messieurs Gabriel Ludlow, Abraham Leynsen, David Clarkson and James De Peyster or any three of them and numbered by one of them And in Case of the Death of any of the said Persons the said Bills Shall be Signed by the Majority of the Survivors of them

AND be it Enacted by the Authority Aforesaid that Abraham De Peyster the Present Treasurer of this Colony in whose hands the Stamps of the Arms of the City of New York and the other Plates are deposited Shall in the presence of the signers Aforesaid or the Major part of them deliver unto James Parker Printer the said Stamps and Plates who is hereby Appointed to Print the said Bills and on them to impress the said Arms and Plates which when done the said James Parker Shall redeliver to the said Treasurer the said Stamps and Plates in the presence of the Signers Aforesaid or the Major part of them and the Receipt of the said Treasurer shall be to the Said Printer a sufficient discharge for the same And the Said Printer is hereby required and directed to deliver to the signers hereby Appointed to Sign the Said Bills every Bill of Credit by him Printed and Shall upon his delivery of the said Bills take an Oath in the words following Videlicet I, A. B, do declare that from the time that the Letters were set and fit to be put into the press for printing the Bills of Credit now by me delivered to you untill the Bills were printed and the Letters Afterwards distributed into the Boxes I went at no time out of the Room in which the said Letters were without Locking them up So that they could not be come at without Violence a false Key or other Art then unknown to Me and therefore to the best of my Knowledge no Copies were Printed off but in my presence And that all the blotters and other Papers whatsoever impressed by the said Letters while Set for Printing the Said Bills to the best of my Knowledge are here delivered unto you together with the Stamps And in all things relating to this Affair I have well and truly demeaned myself according to the True intent and Meaning of the Law in that Case made to the best of my Knowledge and Understanding Which Oath all or any of the Said Signers are hereby impowered required and directed to Administer

AND be it enacted by the authority Aforesaid that the Persons herein appointed to Sign the said Bills of Credit shall take an Oath before a Magistrate of the City of New York



each of them well and truly to perform what by this Act they are enjoined as their Duty and will Knowingly Sign No more Bills of Credit than as by this Act is directed. And if it shall happen that any supernumerary Bills shall be left after the said Number shall be delivered to the said Treasurer in manner Aforesaid all such Supernumerary BILLS Shall be burnt and destroyed by the said Signers or the Major part of them or by the Majority of the Survivors of them in the presence of the Treasurer of this Colony

AND be it Enacted by the authority Aforesaid that the Treasurer of this Colony shall out of the Bills of Credit made Current by this Act Pay unto James Parker the sum of Five Pound twelve Shillings for Printing the said Bills

AND be it Enacted by the Authority Aforesaid that the Bill of Credit Enacted and appointed by this Act to be Current Shall be received by the Treasurer of this Colony in all Publick Payments and for any Fund at any time in the Treasury and by any person within this Colony in all Cases whatsoever during the time they are enacted to Continue and be as effectually Current as any other Bills of Credit made Current in this Colony by any Act of the Governor Council and General Assembly

AND be it Enacted by the Authority Aforesaid that if any Person or Persons whatsoever Shall Counterfeit any of the Bill of Credit made Current by this Act or shall Alter any of the said Bills made Current as Aforesaid So that they shall appear to be of greater Value than by this Act the same Bill or Bill so altered were enacted Signed or numbered to pass Current for or shall Knowingly pass or give in Payment any of the Bill Aforesaid so Counterfeited or Altered Every person guilty of Counterfeiting or altering any of the Said Bills as Aforesaid or of Knowingly passing or giving in Payment any such Counterfeit or Altered Bill shall be guilty of Felony and being thereof Convicted Shall Suffer the pains of Death without benefit of Clergy And tho' such Counterfeiting Altering or Knowingly passing Counterfeit or altered Bills Shall be done out of this Colony Yet any Grand Jury within the City & County of New York is hereby impowered to present the Same and to Set forth in the Indictment the place where by their Evidence it appeared that the Fact was Committed which Indictment is hereby declared good Notwithstanding that the place Alledged be out of this Colony and the Petty Jurys on the Tryal of all Such Issues Shall be returned from the Body of the City and County of New York any Law Usage or Custom to the Contrary notwithstanding

AND be it Enacted by the authority Aforesaid that the Treasurer of this Colony Shall be and hereby is required and directed upon no account whatsoever to issue or give in Payment any of the Bills of Credit made Current by this Act any otherwise than as hereby directed or as shall be directed by Act or Acts hereafter to be passed for that Purpose

AND be it Enacted by the authority Aforesaid that the Bills of Credit made Struck and Issued by Virtue of this Act Shall be and Remain Current untill the first Tuesday IN November which will be in the Year of our Lord One thousand Seven hundred and Sixty Two

AND be it Enacted by the Authority Aforesaid that as the Money to be raised leyed and Collected by Virtue of this Act Shall be paid into the Treasury the Treasurer of this Colony for the time being shall be and he is hereby directed and required to use his utmost endeavours to Exchange the same for Bills of Credit made Current by this Act which Said Bills So procured Shall be kept in the Treasury ready to be Cancelled in manner as is directed in and by an Act Entituled "An Act for the more effectual Cancelling the Bills of Credit of this Colony." Passed in the Twenty first Year of his Majesties Reign

#### [CHAPTER 978.]

[Chapter 978 of Van Schaack, and chapter 57 (vol. 2) of Livingston & Smith, where the title only is printed. See chapter 1016. Repealed by chapter 1084.]

An Act for impressing Ship Carpenters House Carpenters Joiners Sawyers and their Servants and all other Artificers and Labourers for the Building of Battoes And also for impressing Horses Waggon Battoes Scows Steersmen and all other things necessary for Transporting Men Carriages and all Necessary's for Erecting a Fort or Forts Nigh Crown Point on his Majesties Lands and other Fortifications within this Colony and for Limiting and Ascertaining the Prises and Rates of all materials Requisite thereto

[Passed, May 3, 1755.]

WHEREAS the Erecting and Repairing Fortifications within this Colony and Nigh Crown Point in his Majesties Dominions



at this Extraordinary Conjunction Requires the utmost dispatch in providing every thing Necessary for the Same BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that it Shall and may be Lawfull for any Person or Persons thereto appointed and impowered by His Honour the Lieutenant Governor or the Commander in Chief of this Colony for the time being by Warrant under his Sign Manual and Seal at Arms issued by and with the advice of his Majesties Council to impress any Ship-Carpenters House Carpenters Joyners Sawyers and their or any of their Servants into his Majesties Service upon the present Occasion Boards and all other Materials necessary for the Building and Making Battoes Scows or any other things Relating thereto or any other Artificers Labourers or Workmen Horses Waggons Carriages Drivers and Steersmen which the Governor or Commander in Chief for the time being by and with the advice and Consent of the Council Shall Judge it Necessary and Expedient to be employed in and About this important Service paying the Usual Rates for the Same in Ready money And every Person or Persons Neglecting or Refusing upon such impress to be aiding and assisting in the premises According to his Capacity and Ability Shall Suffer one Months imprisonment without Bail or Mainprize

AND whereas it may so happen that Some Person or Persons that may be so impressed as Aforesaid may have bound themselves in some Contract or Contracts Agreement or Agreements for the due performance of the Service Specified in Such Contract or Contracts Agreement or Agreements by a particular Day or time therein Respectively limited And as it is highly becoming reasonable and Expedient that a Service of Such importance to his Majesties Dominions in General and to the Common Interest and Advantage of his Northern Colonys in Particular Should Supersede all matters and Business of Private Consideration BE IT THEREFORE Enacted by the Authority Aforesaid that every Such Contract and Contracts Agreement and Agreements as against any person or Persons who Shall be impressed in Pursuance of this Act is and are hereby declared to be and Shall be DEEMED Suspended during the time the Person or Persons that hath or have so Contracted and Agreed Shall continue to be employed in the Service into which he shall be so impressed and so much time as the Person or Persons that

has or have so Contracted for any work Whatsoever and shall be so impressed Shall be added to Such Contract or Contracts Respectively by way of enlargement of the Term or Terms therein Specified and limited Which Contract and Contracts with Such term So enlarged and added thereunto Shall be adjudged deemed and taken to be as Valid and effectual to all intents Constructions and purposes whatsoever as if the Day to which Such Term or Terms may be thus enlarged, had been Originally Mentioned in Such Contract or Contracts Respectively.

PROVIDED ALWAYS and be it Enacted by the authority Aforesaid That no Ship Carpenter House Carpenter Joyner Sawyer or their Servants or any other Artificer, or Labourer whatsoever Living in the City and County of New York County of Richmond County of Westchester or in any of the County's on Nassau Island shall be liable to be impressed for any of the Aforesaid Services other than such as are to be done and performed in the City and County of New York or in any of the Aforesaid Counties to which the said Several Artificers may belong Any thing in this Act Contained to the Contrary Notwithstanding

AND be it further Enacted by the Authority Aforesaid that no Person or persons Whatsoever Selling or offering to Sale any Timber Lime Stone or other Materials Whatsoever Requisite and Necessary for the Erecting or Repairing any Fortifications within this Colony or Nigh Crown point within his Majesties Dominions Shall take ask or demand for the Said Materials any higher Rate than what the like Materials have been Usually Sold at within or for the Space of one Year Next before the Publication of this Act under the Penalty of Forfeiting double the Value of all such Materials to his Majesty his Heirs and successors to be Sued for by the Managers or one of them Appointed in and by An Act Entituled "An Act for Raising a Supply of Forty five thousand pounds by a Tax on Estates Real and Personal for putting this Colony into a proper posture of Defence for furthering his Majesties designs against his Enemys in North America and other the Purposes therein Mentioned for Emitting Bills of Credit for the like Sum and for Sinking and Cancelling the Said Bills in Short Periods" for Erecting and Repairing Fortifications in this Colony in their own Name or Names and all the money Recovered in Consequence of such



Suits shall be paid into the Treasury and there Remain und  
disposed of by Act or Acts hereafter to be passed for th  
purpose And in case any Person or Persons Whatsoever havi  
Such Materials to Sell Shall refuse to Sell the same to t  
managers Aforesaid at the usual Rates it Shall and may be La  
full for Such Manager or Managers to impress the same or  
much thereof as they Shall Stand in Need of for Erecting  
Repairing Fortifications as aforesaid by impress Warrants  
Aforesaid paying the Usual rates for the same in Ready Mo  
Not exceeding what the like materials have been Sold at  
the Space or within one Year next before the Passing this A  
Any Law usage or Custom TO the Contrary Notwithstandi

## [CHAPTER 979.]

[Chapter 979, of Van Schaack, and chapter 58 (vol 2) of Livingston  
Smith, where the title only is printed. Continued by chapter 1019.]

An Act to prohibit the Sale of Rum or a  
other Strong Liquors to any Indian or India  
within the City or County of Albany excepti  
at the Trading House at Oswego And to p  
vent the Buying exchanging or taking in Pa  
of or from any of the Said Indians any Ar  
Ammunition or Clothing

[Passed, July 5, 1755.]

WHEREAS many of the Cheif Sachems or heads of the  
Nations of Indians have complained of the Mischeifs aris  
from the Sale of Rum and other Spirituous Liquors among th  
and have desired that the Same may be prevented

BE IT THEREFORE ENACTED by his Honour the Li  
tenant Governor the Council and the General Assembly and  
is hereby Enacted by the Authority of the Same That if a  
Person or Persons whatsoever within the City or County  
Albany excepting at the Trading House at Oswego Shall fr  
and after the publication hereof directly or indirectly Sell  
otherways dispose of any Rum Brandy or Spirits Wine or a  
other Strong Liquor whatsoever to any Indian or Indians witi  
the said City or County of Albany excepting at the said Trad  
house at Oswego Such Person or Persons So as Afores  
Selling or otherways disposing of any Rum Brandy Wine or  
other Strong Liquor and being thereof Convicted by the O

of any one Christian or the declaration of one Indian before the Mayor or Recorder of the Said City of Albany or before any one Justice of the Peace of the Said City or County who is hereby impowered to administer and take Such Oath and Declaration Shall for every Such offence forfeit the Sum of Fifty Pounds one half thereof to be to the use of the Said City and County where such offender Shall be Convicted and the other half to the use of the informer to be levied by Distress and Sale of the offenders Goods, by Warrant under the hand and Seal of the Person or Persons before whom Such Conviction was made And where distress cannot be made upon the offender or Offenders in this behalf that then it Shall and may be lawfull for the Said Mayor or Recorder or any one Justice of the Peace as aforesaid And they are hereby Respectively required and directed to commit Such offender or offenders to Prison there to Remain without Bail or Mainprize for the Space of Six Months from the time of Such Conviction as Aforesaid

PROVIDED ALWAYS and it is hereby ENACTED that any Person or Persons So declared against by such Indian or Indians who shall immediately before Such Mayor or Recorder or Justice of the Peace as Aforesaid make Oath upon the Holy Evangelist to the Contrary of Such declaration of Such Indian or Indians Such Person or Persons So Swearing Shall be discharged from the declaration of Such Indian or Indians

AND because the good intent of this Act Shall not be frustrated by the SECRET and Clandestine practices of Persons for the Sake of Private advantages, BE IT ENACTED by the authority Aforesaid that from and After the Publication hereof it shall and may be lawfull for the Said Mayor or Recorder or any one Justice of the Peace of the Said City or County as often as he or they Shall think fit to Send for any Person or Persons whatsoever whom they Shall Suspect privately to Offend against the Law in this behalf Made and administer to Such Person or Persons so suspected an Oath upon the Holy Evangelists to Purge themselves from the said Suspicion in the word's following

I A. B. do Swear that I have not directly or indirectly by my Self or any other for me from or after the publication of an Act Entituled "An Act to prohibit the Sale of Rum or any other "Strong Liquors to any Indian or Indians within the City or "County of Albany Excepting at the Trading House at Oswego. "And to prevent the Buying exchanging or taking in Pawn of



"or from any of the said Indians any Arms Ammunition or "Clothing," Sold or otherwise disposed of any Rum or other Spiritous Liquor to any Indian or Indians within the City or County Aforesaid or to any person or Persons for them Contrary to the true intent and Meaning of the said Act

AND every person or Persons So Suspected not appearing upon Summons duely made or appearing either Confessing the Aforesaid facts or Refusing to take the Aforesaid Oath Shall forfeit the sum of Fifty Pounds or undergo the Imprisonment Aforesaid the forfeiture to be levied divided and disposed of in Manner Aforesaid. PROVIDED ALWAYS that no forfeiture or Imprisonment Shall be inflicted on any Person whomsoever in this behalf for not appearing upon Summons untill an Affidavit be made upon Oath of the due Service of said Summons upon the said Suspected Person or Persons before the said Mayor or Recorder of the said City or before any one Justice of the peace of the said City and County who are hereby impowered to administer Such Oaths to the Constables or officers who Shall have Served the Same anything before to the contrary thereof in any wise Notwithstanding.

AND be it further ENACTED by the authority Aforesaid that in case any Person or Persons whomsoever within the said City or County of Albany after the publication and during the Continuance of this Act Shall directly or indirectly Buy exchange or take in Pawn any Arms Ammunition or Clothing of or from any Indian or Indians within the said City or County every person So offending and being Convicted thereof in manner before directed for each and every such offence Shall Respectively forfeit the Sum of Twenty pounds to be levied and applyed as before directed and in case of a Deficiency of Goods and Chattle whereon to make distress every such offender shall be committed to Goal without Bail or Mainprize for the Space of three Months.

AND be it Enacted by the Authority Aforesaid that if any of the Aforesaid Officers or any Sheriffs or Constables of the Aforesaid City or County do neglect or Refuse to Act in putting this Act in Execution every Such officer So Neglecting or refusing to put the SAME in Execution according to the True intent and Meaning of this Act Shall for every Such offence forfeit the like Sum of Fifty Pounds or undergo Such imprisonment of Six Months as Aforesaid This Act to continue in force for one Year and no longer.

## [CHAPTER 980.]

[Chapter 980, of Van Schaack, and chapter 59 (vol. 2) of Livingston & Smith, where the title only is printed. Repealed by chapter 1148.]

An Act to enable the Creditors of Insolvent Debtors who are willing to give up their Effects to dispose of the Same for the benefit of the Creditors and to Release the Said Debtors from Imprisonment.

[Passed, July 5, 1755.]

WHEREAS the Enabling Creditors of Insolvent Debtors who are willing to give up their Effects for the benefit of their Creditors to Sell and dispose of the Same which they are frequently prevented from doing thro' the obstinacy of some few of the Creditors of Such Debtors only and thereupon discharging Such Debtors from the Imprisonment of their Persons may not only tend to the great benefit of Such Creditors by preventing Such Debtors from Wasting their Estates which ought to be applied towards Payment of their Debts but also to the General good of the Inhabitants of this Colony

BE IT THEREFORE ENACTED by his Honour the Lieutenant Governor the Council and General Assembly and it is hereby Enacted by the Authority of the Same That in case any Person or persons who heretofore hath or have been Arrested at the Suit or Suits of any Creditor or Creditors and Now is or are in Goal on Such Arrest and in case any other Person or Persons who hereafter Shall be Arrested at the Suit of any Creditor or Creditors and thereupon Confined in Goal who is, are or Shall be willing and desirous to give up his her or their Estate or Estates for the benefit of his her or their Creditors to be distributed among them in discharge of their Debts as far as the same will extend That in either of the Said Cases it Shall and may be Lawfull for Such and So many of the Creditors of Such Debtor or Debtors Residing in this Colony or Such and so many of the absent Creditors of such Debtors by their Attorney's or Such and So many of the Creditors Residing in this colony and Such and so many of the Absent Creditors by their Attorney's whose debts Shall Amount to at least Three fourth parts of all the Moneys due and owing by Such Debtor or Debtors, by Petition to the Court or to the Judges of the Court in the Vacation or



any two of them out of which Such Process against any Such Debtor or Debtors Issued to Pray that the Estate of Such Debtor or Debtors upon his her or their Delivering up a true and just Account of the same and taking the Oath herein after directed for that purpose may be assigned to Such Person or Persons as Shall be Nominated by Such Petitioners or the Major part of them to be by him or them sold and disposed of for the benefit of the Creditors of Such Debtors.

AND be it further ENACTED by the authority Aforesaid That every Such Debtor or Debtors upon Such Petition being presented and Notice to him her or them thereof given Shall Either at the time of Presenting such Petition or within two days thereafter deliver in Writing a true and just account of all the Sums of Money Owing by him her or them and of the persons to whom And also a full and Compleat Inventory and account of all his her and their Estate both Real and Personal in Law and Equity and all Books Vouchers and Securities relating to the Same or any part thereof Except the Necessary Wearing Apparell and Bedding of Such Debtor or Debtors and of his and their Several Wives AND Children and thereupon the Said Court or Judges or any two of them are hereby required to administer or Tender to Such Debtor or Debtors an Oath or Affirmation to the effect following, VIDELICET—I A, B DO Solemnly Swear in the presence of Almighty God (or being of the people called Quakers Sincerely and truly declare and Affirm) that the Account by me delivered contains a just and true account of all the money's Owing by me and of the Persons to whom to my Knowledge or Remembrance and that the Inventory and account delivered by me to the Court or Judges doth contain a Just and true account of all my Estate real and personal both in Law and Equity either in Possession Reversion or Remainder the Necessary wearing Apparel of my Self my Wife and Children excepted And that I have not Since my Imprisonment or before directly or indirectly Sold Leased Assigned or otherwise disposed of or made over either in Trust for myself or otherwise other than is Mentioned in the same Account any part of my Lands Estate Goods Stock Money Debts or other Real and personal Estate whereby to have any benefit or Profit to my Self or to defraud any of my Creditors, SO HELP ME GOD. Which Oath or Affirmation being taken by Such Debtor or Debtors Notice Shall thereupon be given by the

Petitioners to all the Creditors of Such Debtor or Debtors by advertizing the Same in one or more of the Publick Newspapers to Show Cause by Such Day as Shall be appointed by the Court or Judges or any two of them why an Assignment of the Estate of Such Debtor or Debtors Should not be made and the Debtor or Debtors thereupon discharged from his her or their Imprisonment At which Day if the Creditors do not Show Sufficient Cause to the Contrary thereof the Court or Judges or any two of them Shall direct a legal Grant Conveyance and a Short Assignment of Such Debtor or Debtors Estate or Estates Both in Law and Equity to be made by him or them to the Persons appointed by the Petitioners for that Purpose and Upon Such Debtor or Debtors producing a certificate under the hands and seals of such Persons so appointed by the Petitioners, Executed in the presence of two witnesses that he she or they, have Legally Granted Conveyed Assigned and delivered up all his her or their Estates and all Deeds Bonds Notes Mortgages Security's Books and Evidences of Right and Title to the Same Shall discharge Such Debtor or Debtors from his her or their Imprisonment by Writing under their hands and Seals which discharge or the Record thereof in the Minutes of the Court out of which the Process issued Shall be a Sufficient Warrant to the Sheriff or Goaler for Setting such Prisoner at large.

AND be it further ENACTED by the authority Aforesaid That Such Assignee or Assignees Shall have full power and Authority to Sell and dispose of all the Estate of Such Debtor or Debtors and to execute good and Sufficient Deeds for the Same to Redeem all Mortgages and Conditional Contracts and to Recover all Money's Goods Chattles effects and Estate whatsoever belonging to Such Debtor or Debtors in his or their own Name or Names to and for the use of the Creditors and shall have full Power and Authority by and with the consent of the Petitioners or the Major part of them to refer to Arbitration Settle Compound or agree with any Debtor of Such Debtor or Debtors in Such Manner as Shall be Agreed upon by them from time to time and Shall proceed to Convert the Estate of the Said Debtor or Debtors into Money as Soon as Conveniently May BE and Shall within the Space of one Year and an half proceed to make a Division of all the Money that Shall come to his or their hands out of the Estate of the Said Debtor or Debtors first giving three Months notice of the time and place of making Such



Dividend by Advertizing the Same in one or more of the Publick News Papers and shall within one Year next thereafter upon the like Notice being given make a Second Dividend of what money's May come to their hands or be Recovered by them After the first division if the whole Estate Shall not be Settled at the time of the first division and so from Year to Year until a final Settlement thereof and a just and equal division of the whole Estate of Such Debtor or Debtors Shall be made.

AND BE IT FURTHER ENACTED by the authority Aforesaid That the assignee or Assignees shall before any dividend be Made of the Estate of Such Debtor or Debtors Appoint a Day at least one Month before any Dividend be made of the Estate of Such Debtor or Debtors by Advertising the same in one or more of the Publick News papers for a General Meeting of the Petitioners and Such Other Creditors as Shall see fit to Attend to examine and ascertain the Debts due to each Creditor and in case of any Controversy relating to any Debt or Sum of Money due to any Creditor the same Shall be Settled and Determined in Manner following, that is to Say The assignees shall Write the Names of Two Referrees on their part not being Creditors on two peices of Paper and the Creditor whose Debt is in Controversy on two other as Near of the Same Size as may be which Shall be Rolled up in the Same Manner and put into a Box and Covered and from thence one of the assignees Shall draw out three of the Said peices of Paper one after Another and the Persons whose Names are first Drawn Shall finally Settle Such Controversy and Ascertain the sum due to such Creditor and if any Referree so Appointed shall refuse to Act or happen to Die before the Settlement of such Debt a New Choice Shall be made in the Manner before directed And in case any Creditor upon Such Controversy Arising Shall refuse to Nominate Referrees on his part the assignees are hereby impowered to Nominate them for him in the manner before directed

AND be it further ENACTED by the Authority Aforesaid that Such Assignee or Assignees Shall immediately upon the Assignment of the Estate of such Debtor or Debtors to them made as Aforesaid take an Oath to be administred by the Court or Judges or any one of them well and faithfully to Manage the Estate of Such Debtor or Debtors and to keep and render a just and true account of all the Estate of Such Debtor or Debtors as Shall come to his or their hands and shall for that

purpose keep regular Books of Accounts of their Receipts and disbursements of Such Debtor or Debtors Estate to which every Creditor at all Seasonable times may have Recourse for which the said Assignees Shall be allowed Such a Consideration as the Petitioners & they Shall Agree and fix upon out of all Money's received by them before any Division of the Said Estate be made.

AND be it further ENACTED by the Authority Aforesaid That for the more full discovery of the Goods Chattles Debts Effects and Estate of any Such Debtor or Debtors The Court or Judges or any one of them upon Application made to them or either of them by Such Assignee or Assignees Shall have full power and Authority to examine the Wife of every Such Debtor or Debtors and all and every other Person and Persons Whatsoever known or Suspected to detain any of the Estate or to be indebted to such Debtor or Debtors and to Summon them or any of them for that purpose and in case they or any of them refuse to Attend upon Such Summons having no reasonable excuse or shall Refuse to be Sworn or Affirm that then it Shall and may be lawfull for the said Court or Judges or any one of them to Commit Such Person or Persons to Goal there to Remain untill the said Person Shall Submit to be examined in Manner aforesaid touching the Effects of such Debtor or Debtors and in case any Person upon Such Examination Shall Commit Wilfull and Corrupt Perjury The party so offending Shall and may thereof be Indicted in any of the Kings Courts of Record in this Colony and shall Suffer Such Pains as in case of Wilfull Perjury.

AND be it further Enacted by the Authority Aforesaid that no Suit in Equity Shall be Commenced by any Such Assignee or Assignees without the Consent of the Major Part of the Petitioners in Value as Aforesaid at a Meeting to be had for that purpose And if any Creditor or Creditors of such Debtor or Debtors Shall neglect or Refuse to give Notice of and prove his or their Debts in the Manner herein before directed within the time herein before Mentioned for the first dividend to be made Such Creditor So neglecting and Refusing shall lose his share of Such Dividend And the said Assignee or Assignees Shall be discharged of and from the same by this Act And the whole money Shall be divided by the Said Assignees to and among the other Creditors who Shall have proved their Debts



Pursuant to the intention of this Act But in case the whole Estate of Such Debtor or Debtors Shall not be divided and Settled at the time of the first Dividend, And Such Neglecting and Refusing Creditor Shall Prove and Notify the Assignee or Assignees of Such Debt before the time Appointed for the Second Dividend then and in Such Case Such Creditor Shall have his first Dividend or So much money as he would have been intitled unto on the first Dividend in case his Debt had been then proved before any Second Dividend be made among the Creditors After which Second dividend made no Creditor Shall be permitted to prove any Debt in order to intitile himself to a Share of the Debtors Estate But shall by this Act be debarred of & from any Share of the Same

AND be it further Enacted by the Authority Aforesaid That every Such DEBTOR or Debtors giving up his her or their Estate as Aforesaid and Conforming in all things as in and by this Act directed Shall be discharged from all Debts owing by him her or them at the time of the assignment made And if he she or they be Prosecuted for any Debt due before he She or they Shall be discharged upon common Bail and Shall and may Plead in General that the Cause of Action Accrued before his her or their discharge by Virtue of this Act And Shall and May give this Act and the Special Matter in Evidence and if a Verdict pass for the Defendant or the Plaintiff become Nonsuit or Judgment be given Against the Plaintiff the Defendant Shall Recover his Costs

AND be it further Enacted by the Authority Aforesaid That in case any Such Debtor or Debtors Shall be Guilty of Wilfull and Currupt Perjury by Concealing any part of his her or their Estates Goods, Chattles Debts or effects or Shall After the Assignment of their Estates by Virtue of this Act receive any Debt or Debts due to him her or them before or in case he She or they Shall Imbezzle or Secrete any part of his her or their Estates or any Books of Accounts or Writings Relating thereto with an Intent to defraud his her or their Creditors and Shall be thereof Convicted by Indictment in any Court of Record within this Colony Shall be deemed and Adjudged Guilty of Felony without benefit of Clergy And the Estate of Such Felon So Convicted shall go to and be Divided Among his Creditors in Manner as Aforesaid

AND be it further Enacted by the Authority Aforesaid that if any Such Debtor or Debtors Shall be Arrested by Process issuing out of the Supream Court and Also by Process issued out of one or more of the inferior Courts in this Colony that in Such Case the petition of the Creditors Shall be made to the Supream Court only or the Judges of that Court in the Vacation Any thing herein before to the Contrary thereof notwithstanding

PROVIDED ALWAYS and be it ENACTED by the Authority Aforesaid that all and every Sum and Sums of money which are and Shall be due and Owing from Such Debtor and Debtors to his Majesty his Heirs or Successors or to the Treasurer of this Colony for Duty's for the Support of Government Shall not be Subject and liable to a distribution as in cases of other Creditors but the whole of Such Debt Sum and Sums of Money Shall be first paid by Such Assignee or Assignees out of the Estate of Such Debtor or Debtors before any dividend Shall be thereof Made and the Overplus thereof After first Deducting such Debts as Also After deducting all such Costs Charges and Expences as Shall be Necessarily laid out and expended by the Said Assignee or Assignees together with their Commissions for their care and trouble therein and all Costs of Suit Prison and Goal Fees Against Such Debtor or Debtors Shall be divided and distributed to and Among the Creditors of Such Debtor or Debtors in due and Equal Proportion to their Respective debts to them due and Owing in which distribution and Division there Shall be no preference GIVEN to any Debts due by Specialty or to any Judgment entered Against Such Debtor or Debtors.

PROVIDED ALWAYS and be it hereby Enacted by the Authority Aforesaid That if any Person or Persons Shall be Sued or Prosecuted by any Action Bill Plaint or Information for any thing done or to be done by him or them in Prosecution of this Act it Shall and may be Lawfull to and for Such Person or Persons to Plead the General Issue and give this Act and the Special Matter in Evidence.

PROVIDED always and be it further Enacted by the Authority Aforesaid that in case the Estate of Such Debtor or Debtors Shall be more than Sufficient to Pay all his or their Debts and all Costs and Charges Attending the Assignment of the Same in Pursuance of this Act that then the remainder of the Money or Estate after Payment of the Creditors and all Cost and



Charges as Aforesaid Shall be paid by Such Assignee or Assignees to Such Debtor or Debtors his her or their Executors or administrators.

AND be it further Enacted by the Authority Aforesaid That this Act Shall Continue and be in Force untill the first day of January One thousand Seven Hundred and Fifty Seven as to the liberties of Creditors Petitioning and no longer, but Shall Continue and be in full force as to the power of every Court Person assignee or assignees Appointed by this Act untill a full and final Settlement and Division shall be by them made According to the True intent and Meaning of this Act.

[CHAPTER 981.]

[Chapter 981, of Van Schaack, and chapter 60 (vol. 2) of Livingston Smith, where the act is printed in full.]

An Act to enable the Corporation of the City of Albany and Some of the Justices of the Peace of the County of Albany to Repair the Fortifications of the Said City

[Passed, July 5, 1753.]

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same That the Mayor Recorder and Aldermen of the Said City of Albany with the Assistance of such Justices of the Peace as dwell and Reside in that part of the County lying and being within the Compass of Six Miles distant from the Wall and Stockadoes of the City Aforesaid or the Major part of them Shall be and hereby are Required and directed to make a Computation of the Number Dimensions and goodness of Stockadoes which Shall be wanting and Necessary to be gotten in order to the Repairing Finishing and Compleating the Fortifications round the Said City And then the Said Mayor Recorder and Aldermen and Justices or the Major part of them are hereby Authorized impowered and required to Assemble themselves at the City Hall in the said City and there to Assess each and every Freeholder Inhabitant and Resident of the whole City Aforesaid And every Freeholder Inhabitant and Resident within the distance of six Miles of the said City how many and what Number and proportion of Stockadoes each respective Freeholder Inhabitant and Resident Aforesaid Shall

at his and their own Expence bring or Cause to be brought to the Said City in order for the Repairing Such Fortifications and to Such place in the Said City and within Such Convenient time as they the Said Mayor Recorder and Aldermen and Justices or the major part of them Shall direct And in case any person Shall refuse to bring the number to the place he is ordered within the time limitted he Shall for each Stockadoe he neglects or Refuses to bring forfeit the Sum of Four Shillings to be recovered before any Justice of the peace of the City and County of Albany Aforesaid Which money shall by the said Justice be applyed towards Compleating the said Fortifications

AND be it Enacted by the authority Aforesaid That the Mayor Recorder and Aldermen of the said City or the Major part of them are hereby Authorized required and directed to Raise Such Sum or Sums of Money as Shall be Necessary for Setting up and placing all the Said Stockadoes Properly round the said City on the Estates Real and personal of all and every the Inhabitants Freeholders and Residents of the Said City in the Same manner as the other Necessary and Contingent Charges of the Said City are And in Such Convenient time as they shall order and Appoint and the Same to Pay to Such Person or Persons to be by them imployed for the Purposes Aforesaid as they the Said Mayor Recorder and Aldermen Shall Judge fit.

#### [CHAPTER 982.]

[Chapter 982, of Van Schaack, where the title only is printed. Chapter 61 (vol. 2) of Livingston & Smith, where the act is printed in full. Expired January 1, 1762. Provided for by chapter 1171.]

'An Act for the more Easy Collecting of His Majesty's Quit Rents in the Colony of New York and for Partition of Lands in order thereto.

[Passed, July 5, 1755.]

WHEREAS there are many Grants of large Tracts of Land in this Colony (some of which do not mention the number of Acres they contain) which since the Granting thereof have been Subdivided into many Shares, and one intire Rent Reserved for the whole, So that his Majesty's Receiver General cannot know what Rent to demand or receive from the respective Owners: and other Tracts of Land within this Colony are held by Persons



residing out of the Colony, and no Settlements being made upon the Land, no Distress can be made for the Quit Rent Reserved and in Arrear which render it impossible for his Majesty's Receiver General to Collect and Receive his Majesty's Quit Rents in this Colony Regularly and duly as they ought to be. FOR Remedy whereof for the future.

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly And it is hereby ENACTED by the Authority of the same That (for the more Regular and orderly Gathering the Quit Rents due and to become due for the several Towns within this Colony by virtue of their respective Town Grants or Patents) the several Freeholders in each of the said Towns shall yearly and every year at their usual Town meetings have full power and Authority by the Majority of Voices of the said Freeholders then met and assembled to choose and appoint proper officers and make such prudential and reasonable Orders and Regulations for assessing Levying and Collecting of, and from each Freeholder his or her respective Quota of the Annual Quit Rent reserved and payable to his Majesty in the General Grant or Patent for the said Town as shall be voted and agreed reasonable and necessary to be appointed made and done in and about the same all which appointments Regulations and Orders so made shall be binding upon all the Freeholders of such Town, any Law usage or Custom to the contrary thereof in any wise notwithstanding. AND for the more regular and orderly Collecting Gathering and paying the Quit Rents due and to become due from all other Grants and Patents for Lands within this Colony.

BE IT ALSO ENACTED by the same Authority That it shall and may be Lawfull for all and every the respective owners and proprietors of such Grants and Patents for Land or such of them as shall think fit to assemble and meet together on the first Tuesday in May yearly and every year at the usual or most Publick place of Meeting within their respective Grants or Patents or at such other time and place as the Major part of them so met shall agree upon, and then and there by the Majority of Voices of the said Freeholders and Proprietors there met either by themselves or their Proxies to Elect and choose out of the said Freeholders two assessors and one Collector which assessors so by them Chosen shall within thirty days thereafter rate and assess the several Owners and Freeholders of the said Grant or

Patent respectively according to the part, share and proportion of Land each Owner or Freeholder shall have hold possess or Enjoy within such respective Grant or Patent so that the whole shall make up and amount to the whole Quit Rent which will be due to his Majesty from or upon such Grant or Patent to the twenty fifth day of March then next following together with one Shilling in every pound for the reward of the Collector for Collecting and paying the same to his Majesty's Receiver General or his Deputy which said Assessors before they begin such Assessment shall take an Oath before some one Justice of the peace within this Colony who is hereby authorized and required to administer the same well truly impartially and in due proportion according to the best of their understanding to assess and rate the several Owners and Freeholders of such Grant or Patent for which they are chosen Assessors. AND that the said Assessors shall within ten days after they shall have made the said Assessment deliver unto the person so to be chosen Collector such assessment so by them made under their hands and Seals; which said Collector shall forthwith Collect the several Sums in such assessment so that he pay the same (his own allowance for Collecting excepted) to the Receiver General or his Deputy on or before the first day of May then next following, taking a Receipt for the same. And if any of the said Owners, Proprietors or Freeholders of such Grant or Patent, shall refuse neglect, or delay to pay his or her share or proportion of the said Rate or assessment, then it shall and may be Lawfull, for such Collector to Collect and Levy the same by Distress and Sale of the Goods and Chattells of the Defaulter or Defaulters where the same may be had or found, with the Costs and charges thereof, in the same manner as the Collectors of the Publick Taxes in this Colony are empowered to do, or to prosecute for the same before any one Justice of the Peace within this Colony, who is hereby Authorized and empowered to hear and determine the same. And in case such Collector shall not find Goods and Chattells of the Defaulters whereon to make distress or recover such rate or assessment in manner aforesaid, Then it shall and may be Lawfull for such Collector to Collect and Levy the share and proportion of the rate aforesaid of such Defaulter or Defaulters, of and from all and every of the rest of the owners Freeholders or Proprietors aforesaid in proportion to their several assessments, giving unto the person or persons from whom he shall so Collect and receive such share and Proportion, a



Receipt for the same. AND in case such Defaulter or Defaulters shall not repay his share or proportion of the said Rate or assessment so levied, Collected, or paid for him unto the person or Persons from whom the same was so levied or Collected together with Lawfull Interest for the same. AND in case any person or persons holding part of any Lands granted by any Letters Patent, already hath paid, or hereafter shall pay the Quit Rent formerly due, or that shall become due to his Majesty from others holding Lands under the same Letters Patent, and the person or persons for whom such Quit Rent hath been or shall be so paid shall not repay the same with Lawfull Interest, to the person or persons having so paid the said Quit Rent That then and in either of the said Cases it shall and may be Lawfull for such person or persons on which such share or proportion of such Rate or assessment had been so Levied or Collected, or that hath or shall so pay Quit Rent for another person holding Lands in the same Letters Patent to apply either in person or by attorney to some one of the Justices of the Supreme Court of Judicature of this Colony for Relief in the premises, which said Justices of the said Supreme Court and each and every of them are hereby fully Authorized and required (as Justices of his Majesty's Court of Exchequer for this Colony) to cause a publick Advertisement to be printed in one of the publick news papers printed in the City of New York Notifying the person or persons complained of to appear before him on such day as he shall therein appoint not less than thirty days, nor more than forty days thereafter, to shew cause if any he, she or they, hath or have, why so much of his, her or their Lands for which the Quit Rent had been so levied collected or paid as aforesaid, should not be sold to satisfy the sum so paid with Interest and charges; AND in case such person or persons shall not appear on the day so appointed either in person or by attorney, or if he she or they shall appear on the said day, the said Justice to whom such application was made shall hear the party or parties so appearing in person or by Attornies in a Summary way, and shall then Certify under his hand the sum due to the party who had so applied for Relief, for principal Interest and Charges, together with the charges of the process to issue thereupon. And upon such Certificate process shall issue under his Seal directed to the Sheriff of the County where the Lands lye, for which the person so com-

plaining had paid Quit Rent, commanding such Sherif, in his Majesty's Name within sixty days after the Teste of the said process (which shall always be in the name of such Judge and on the day of the date of the Judges Certificate aforesaid) to sell and dispose of at public Vendue or Outcry to the highest or best bidder so much of such persons Lands contained within such Letters Patent for which the said person or persons who had so applied had paid Quit Rent, as will pay the Sum so Certified to be due for principal Interest and charges and the further incidental Charges thereon and to pay such monies into the hands of the said person or persons who had so applied within twenty days after such sale. And every such sherif to whom such process is directed is hereby fully empowered and required within six days after the Receipt of such Process to cause Advertisements to be affixed on the Court House and three or more of the most usual publick places in the County where the Land lyes, that on such a day (which shall not exceed fifty or be less than forty days after the date of such Advertisement) so much of such Lands will be Sold at publick Vendue or Outcry to the best bidder as will pay the sum mentioned in the said Process and the charges of advertisements, Sale survey and Conveyance and other incidental Charges, and that upon the day appointed for such Sale as is before directed, the same sale shall be made at the Court House of the County in which the Lands lye, between the hours of nine and twelve in the forenoon And the respective Sherifs of the Counties aforesaid are hereby fully impowered and authorized to sell and dispose of such Land at publick Vendue or Outcry to the best bidder And at the time of such Sale such person or persons as will accept of the least quantity of land to pay the sum mentioned in the said Process and all charges which such Sheriff shall then make a true account of shall be deemed the best bidder: And that upon such sale such sherif shall cause such Land so sold to be surveyed and shall then make sign seal and deliver Deeds and Conveyances thereof (upon Receipt of the purchase money) to the purchaser or Purchasers thereof which Deeds and Conveyances so made and executed shall be and are by virtue of this Act deemed and esteemed a good valid and Sufficient Title both in Law and equity to all Intents and purposes whatsoever: And the Purchaser and purchasers of Lands by virtue of this act and their respective heirs and assigns are and shall be hereby severally vested in and intitled



unto an Estate in fee Simple of and in all and every or any of the said Lands Tenements or Hereditaments so purchased by them by virtue of this Act: PROVIDED always that the Lands so to be sold by virtue of and in pursuance of this act shall be surveyed and laid out in one entire piece, and at one side or end of the Tract out of which the same is sold, and shall always be of the unimproved or uncultivated Lands, if so much in one entire piece, and unimproved or uncultivated Lands is contained in the same And shall not be such part thereof as at or before the time of the said sale shall be claimed by any person or persons appearing before the said Sherif and declaring upon oath (which oath the said sherif is hereby Authorized to administer) that he or they verily believe the same Land is included within other Letters Patent, prior to those out of which the said Land is proposed to be Sold, and that he or they claim and verily believe hath or have a good Title to the same by virtue of such other Letters Patent. AND PROVIDED ALSO that no less quantity of Land shall be sold at any time by virtue of this Act than one hundred acres. And that whenever any person will accept of Less than that quantity of Land to pay the sum mentioned in the said Process and all Charges as aforesaid, the sherif shall put up to sale one hundred Acres of such Land at Publick Vendue or Outcry and the person bidding or offering the most money for the same, shall be deemed the best bidder, and the said sherif shall make sign, seal, and deliver Deeds and Conveyances thereof to the purchasor or purchasors in manner herein before directed.

AND BE IT FURTHER ENACTED by the authority aforesaid that whenever there shall be three or more years Quit Rent due and in arrear to his Majesty for any grant or Patent for Lands within this Colony, or for any of the Lands in such Patent contained it shall and may be Lawfull for his Majesty's Receiver General of this Colony for the time being, to give notice in one or more of the publick News papers printed and published in the City of New York (which publick Notice shall be so continued for three Months at the least) that if the Owners or proprietors of such Lands do not within twelve Months after the date of such publick notice, pay the arrears of Quit Rent due to his Majesty for such Lands, with the charge of such Notice or Notices being given, to the said Receiver General, that so much of the said Lands will be sold at publick Vendue or Out-

cry, as will pay the same with the charges of such Notices and Sale; in which Notices so to be given in one or more of the publick Newspapers as aforesaid, it shall be expressed to whom the Grants or Patents were Originally made the date of the Grants, and the sum due thereby to the last day of Payment preceeding such notice, so far as the same does appear from the accounts of his Majesty's Quit Rents in the Custody of the said Receiver General And upon failure of the payment of the said Quit Rent and charges of such Notices as aforesaid, it shall and may be lawfull for the said Receiver General by himself or his Deputy, or by his Majesty's Attorney General for this Colony, to apply to some one of the Justices of the Supreme Court of Judicature of this Colony which said Justices and each and every of them are hereby fully Authorized and required (as Justices of his Majesty's Court of Exchequer for this Colony) to cause an Advertisement to be published, to hear the parties appearing in a summary way, and to Grant a Certificate of the Sum due to his Majesty for Quit rent and the Charges in the same manner as is herein before directed and thereupon the like process shall issue to the Sherif of the County where the Lands lye which are so in Arrear to his Majesty for Quit Rent, Which said Sherif shall thereupon proceed to the sale of the said Lands, in the same manner as is herein before particularly directed in the case of one private person having paid Quit Rent for another person holding Lands in the same Letters patent.

AND BE IT FURTHER ENACTED by the Authority aforesaid that the respective Sherifs after the delivery of such Deeds and Conveyances as aforesaid and within twenty days after such Sale, shall pay to his Majesty's Receiver General for the time being or his Deputy the Quit Rents due and owing to his Majesty for such Lands, with the charges so Certified by the said Judge, or if sold for repaying any private person the monies for which he had been distrained or had paid Quit Rent as aforesaid, shall pay the same with lawful interest and charges to such person accordingly. AND that it shall and may be Lawful for such Sherif to retain in his hands for his own trouble and the other charges attending such Sale so much as the Justices of the County, where the Lands lye in their General Sessions of the peace shall allow and Certify to be due for the same: the said Sherif returning the Surplus of the monies if any there be to the person or persons to whom the said Lands



did belong before such Sale or if he she or they cannot be found, then to the Treasurer of this Colony who is hereby required to receive and apply the same from time to time in the payment of the Quit Rent that shall become due thereafter from such person or Persons. And the said Eherif shall at the same time deliver to the Treasurer a full and just account of the money arisen from such Sale, and of the application of the same. PROVIDED always that the said Sherif before he makes such Sale as aforesaid, shall take an Oath, to be administered to him in the words following to Witt. YOU shall well, truly honestly and faithfully discharge the Trust reposed in you by An Act of the Governor, Council and General Assembly of the Colony of New York entitled AN ACT for the more easy collecting of his Majesty's Quit Rents in the Colony of New York and for Partition of Lands in order thereto according to the best of your Skill and understanding, SO HELP YOU GOD. Which Oath any Justice of the Peace is hereby Authorized and required to Administer, and to give a Certificate thereof to the said Sherif who shall file the same with the Clerk of the peace of the County in which the Lands Lye.

AND WHEREAS many persons have and do hold Lands within this Colony in joint Tenancy or in Common and several of the Owners or Proprietors being either dead, under age or beyond the Seas, has not only greatly obstructed the payment of his Majesty's Quit Rents, for the same Lands but also very much impeded and hindred the Cultivation, Settlement and improvement of this Colony FOR Remedy whereof, BE IT ENACTED and it is hereby Enacted by the Authority aforesaid. That the Owners and Proprietors of such Lands, or such, or so many of them as have the greatest share and interest therein may in the absence of or without the other Proprietor or Proprietors, Owner or Owners proceed to make Partition of such Lands held in joint Tenancy or in Common as aforesaid in such manner as is herein after mentioned and set off for such absent or other Proprietor or Proprietors Owner or Owners their share or Portion of the same Lands, and in case after such Partition made, such absent or other Proprietor or Proprietors Owner or Owners do not within twelve Months pay to the other Proprietors their share and Proportion of all reasonable Charges and expences of such Division with the Lawfull interest thereof, then and in such case it shall and may be Law-

full for the Judge of the Inferior Court of Common Pleas and the Sheriff of the County in which such Lands shall happen to be, to sell so much of the absent Proprietors or Owners Lands as shall be Sufficient to pay and satisfy his her or their share and proportion, of the Charges of such Partition and sale as aforesaid with Lawfull interest for the same and then return the overplus (if any be) to the owner or Owners thereof, and advertisements shall be incerted in one or more of the publick News papers printed in this Colony and also fixed up, at least six Months before such sale shall be made in the City Hall, in the City of New York, on the Court House, and three other publick places in the County where the Land lyes, giving notice that the same will be sold at Publick Vendue to the highest Bidder or Bidders at such Court House on the first day of the Meeting of the Judges and Justices to hold the then next Inferior Court of Common Pleas in and for such County giving Notice also of the Lands that are to be sold and to what Value, and upon Sale of such Land and receiving payment the said Judge and sheriff shall, and are hereby fully impowered and Authorized to Convey the same to the Purchasor or Purchasors thereof and to Execute a good and Sufficient Deed or Deeds for the same which Deed or Deeds so Executed shall be valid and effectual to vest the fee simple of the Lands sold in such Purchasor or Purchasors and his her, or their heirs and assigns, as fully and effectually as if the Original proprietor or Owner of the same Lands had by Deed in due form of Law conveyed the same.

AND BE IT FURTHER ENACTED That such Joint Tenants or Tenants in Common dwelling and Residing within this Colony, that now hold or hereafter shall hold any Estate or Estates of Inheritance in their own Right or in the right of their Wives, in any Tract or Tracts of Land within this Colony and the Guardians of Infants under the age of twenty one years, and the Agents or Attornies of any Patentee or Grantee their heirs or assigns, or such or so many of them as have the greatest right, share or interest in such Lands may make Partition of all or any part of such Tracts of Land as they now hold or hereafter shall hold by any Letters Patent or Grants, or otherwise howsoever in the name and behalf of all the proprietors or Owners interested in the same Lands. And to this End.

IT IS HEREBY FURTHER ENACTED That the Sheriff of the County where the Lands to be divided are situate and lying upon due application made to him in Writing by such Persons



as aforesaid, shall Nominate and Summons Nine good Substantial Freeholders, and Inhabitants of the Neighbourhood, who are in no ways interested in the said Lands, or any way related to any of the Parties interested therein, the names of which nine Persons so nominated shall by the Sherif be impannelled and shewn to the Judge and Justices at the next Court of Common Pleas to be held in and for the said County, who is also to declare unto the said Judge and Justices the cause of his Summoning them, and request of the said Judge and Justices to Elect and choose out of the said Nine Persons such three of them as they shall think fit to lay out and divide the said Lands in conjunction with the sherif between the parties, Owner thereof, and the said Judge and Justices are thereupon, in the said Court of Common Pleas, required and directed to Elect and choose such three persons accordingly, which three persons so Elected and chosen as aforesaid together with the said Sherif shall in the said Court take the following Oath.

We A: B &c. will divide the Lands (describing them) among the several Persons interested therein, equally and impartially according to the best of our knowledge and Judgment SO HELP US GOD. A MINUTE of which Oath shall be entered in the Minute Book of the Court for which entry the Clerk shall have one shilling and six pence, and for every Copy thereof one shilling, and for Administring the Oath to the Freeholders two shillings and three pence AND the said Sherif and three persons, so Elected and sworn and the survivors and Survivor of them shall take the best methods in their power to view and inform themselves of the Quantity and Quality of the Lands to be divided and the Number of persons interested in the same Lands and the Proportionable quantity of Interest each person hath in the same and shall thereupon divide the whole Land to be divided into such and so many Lotts as will yield and give to every proprietor or owner his full proportion of Land according to the Quantity and Quality in the Tract or Tracts to be divided Which Lotts so laid out and divided shall be laid down on a Map and numbered differently and shall contain the Length and Courses of the Lines of every Lott distinctly AND the said Sherif and three persons and the Survivours and Survivor of them, shall if they think proper in order to a more equal division of the same Lands distinguish and lay out the same Lotts into several Assortments having a due regard to

the Quality as well as Quantity of the same Lotts, so that each proprietor or Owner upon drawing of Lotts, may have an assortment of Lotts as nearly of an equal Value with every other assortment, as the same can conveniently be put together.

AND IT IS HEREBY FURTHER ENACTED, That after the said Lotts are laid out, and described on a Map and Numbered and distinguished, as aforesaid, and prepared for Drawing, The same Sherif and the three Freeholders, or the Survivours or Survivor of them shall under their hands and seals return and deliver unto the Judge and Justices of the then next Court of Common Pleas to be held in and for the same County, the said Map and a List of the names of the Proprietors and owners, with an account of the number of Lotts laid out for each proprietor or owner, and an assortment of Lotts for the more equal partition of the same Lands, which Map shall be filed with the Clerk of the said Court, and an entry thereof shall be made of such filing, And the said Judge and Justices shall upon Receipt of such Map and return, cause the said Clerk to Administer the following oath unto the Judge and two or more Justices or Assistants then present in Court Vizt. You and each of you shall do Justice and see Justice done to all Persons concerned in the Lands now to be divided according to the best of your knowledge and understanding SO HELP YOU GOD. And thereupon the Clerk shall make an entry in the minute Book of such oath having been taken by the said Judge and Justices, and after such Oath taken the said Judge and Justices so taking the same shall in open Court write or cause the names of the proprietors and owners to be wrote on several pieces of paper as often as each Proprietor or Owner hath Lotts or assortments in the Lotts to be drawn and shall put the same papers folded up, and all as near as may be of the same size and form into one Box, and shall write the Number of the Lotts or the Assortments of the Lotts to be drawn on an equal number of papers of the same size and Form, and shall put them into another Box and then each Box shall be shaken by the Clerk, and two Boys shall be called each under sixteen years of age, and the said Clerk shall bid one Boy take out one paper out of one Box and shall receive it from him and deliver it to the Judge, and then he shall bid the other Boy take one paper out of the other Box and shall receive it from him and deliver it to one of the Justices sworn as aforesaid which papers



the Judge and Justices respectively shall hold up between his forefinger and thumb in the sight of all present, and then each of them shall open the paper in his hand, and the Person who hath the Name shall read it aloud, and then the Clerk shall enter it down in a sheet of paper, which shall contain an account of the drawing of the same Lots and the other person shall open his paper and shall read aloud the number of the Lott or Lotts drawn for the Proprietor or Owner whose name is drawn, and the Clerk shall enter the number or Numbers of the Lotts drawn against the name of the proprietor or Owner entered in the sheet of Paper as aforesaid and the said Clerk shall seal or otherwise fasten the two papers together and shall deliver them to the Judge and such Lott or Lotts so drawn shall belong to and be the property of that proprietor or Owner whose name is drawn with them and the Clerk shall forthwith write the name of such Proprietor or Owner in the Map aforesaid in the Lott or Lotts drawn for such proprietor or Owner, and in the same manner shall the Judge Justice and Clerk aforesaid proceed till the whole number of Lotts be drawn, and if the same cannot conveniently be drawn in one day; they may adjourn and proceed the next day, and so on during the whole time of the sitting of the Court till the Lotts are wholly drawn.

AND WHEREAS it may so happen that the right Owners of the share and property belonging to any original Patentee or Patentees may not be known by the persons who shall divide the Lotts as aforesaid In such case it shall and may be Lawfull for the persons who shall divide any Lands by virtue of this act to lay out so many Lotts as shall belong to the right of such Patentee or Patentees, and instead of the present owner or owners of the same Lands, may enter the names of the original Patentee or Patentees, and the same Lotts drawn in the name of such Patentee or Patentees, shall nevertheless belong to the rightfull owners or owner and shall be his or their property.

AND IT IS HEREBY FURTHER ENACTED by the authority aforesaid That the several and respective Lotts so laid out and drawn in manner aforesaid, shall be the share proportion and division of each and every the joint Tenants and Tenants in common of and in such Lands so divided, and shall be holden and enjoyed by such joint Tenants or Tenants in common and their heirs in severalty as fully and effectually to all intents and purposes as if the same had been made by Writt of Partition

in form of Law or in any other way or manner howsoever AND the said Judge Justices and Clerk shall by Indenture to be made between them of the one part, and the said Sherif of the other part under their hands and Seals assign unto each of the said proprietors or owners, the several and respective Lotts so laid out and drawn in manner aforesaid which Indenture shall be Recorded in the County Records (paying the usual fees) and filed there for the use and Benefit of all concerned.

AND BE IT FURTHER ENACTED That for making exact Partition and severance according to the true intent and meaning of this Act, an able Surveyor who shall be sworn for that purpose shall be employed therein to be provided by the persons applying for such division, at the most moderate rates they can agree, and that the sherif shall be allowed six shillings and the three Freeholders five shillings per diem each for every day they shall be doing and performing the several offices and services by them to be done and performed in manner aforesaid, besides a reasonable allowance for meat Drink Lodging and Horse hire not exceeding four shillings more for each day they and each of them shall attend and be upon all and every the respective services aforesaid and the Justices and Clerk who served at the drawing of the Lots shall be paid each the Sum of six shillings per day besides what they were obliged to expend in that service and the Boys that draw the Lotts shall be paid two shillings each per day for that service all which several sums and the rest of the necessary charges attending such divisions as aforesaid shall be paid by the proprietors and owners who declared their consent to make such division.

AND BE IT FURTHER ENACTED by the Authority aforesaid That in Order to an equal assessment of the charges of the said division on the several Persons interested in the same, the proprietors or owners or some of them, at whose instance the same hath been made shall make up an account thereof, and shall lay the same Account before the Judge and Justices, and Clerk aforesaid who shall have inspected the drawing of the Lotts as aforesaid who shall cause the Sherif and Persons who made the Division to attend them in open Court in order to be examined, and then to audit the same Account by the Oaths of proper Witnesses, proving the several articles thereof, for which Audit the said persons so Auditing the same shall be allowed and paid six shillings each and the said Accounts being settled,



and allowed and signed by the said Judge Justices and Clerk shall be filed with the Clerk of the County in which the Land lye as aforesaid for which he shall be paid two shillings a year. And each proprietor or owner shall be chargeable for his share and proportion of such Account and the same shall remain a charge upon the Lands so divided and the particular Lotts of each Patentee or Proprietor shall be Subject to Sale and may be sold for the payment of the same to such Person or Persons as he has advanced and paid the expenses of such Division in like manner as the sale of Land is herein before directed.

AND in case any person or persons concerned in the premises shall knowingly and willfully commit or conive at any fraud or injustice in about touching or concerning the premises any part thereof such Person or persons shall be lyable to be prosecuted as a common Cheat and suffer as such if Convicted thereof. PROVIDED always and it is the true intent and meaning of this Act. That the Butt or Outlines of such Tracts of Land of which partition shall be made by virtue of this Act and which Butt or outlines do bound on Lands belonging to the Crown shall be run and ascertained by his Majesty's Surveyors or Surveyor General or his or their Deputy for the time being according to the Description thereof in the Letter Patent or Grant for such Lands before any division shall be made thereof. PROVIDED that the said Surveyors or Surveyor General or his or their Deputy shall within six months after request made perform such Survey, and that the Reward for the same service shall not exceed twenty shillings a day while he or they shall be employed in performing the same And if the said surveyors or surveyor General or his or their Deputy shall omit or neglect to perform the said Survey within the time above mentioned The intended Division may be proceeded upon and performed by the sheriff Surveyor and Freeholders before mentioned any thing herein to the Contrary notwithstanding. PROVIDED also and it is the further intent and meaning of this Act That nothing herein contained shall take away, or be construed to the prejudice of his Majesty's Rights but that all divisions hereafter to be made by virtue of this Act his Majesty's Rights be saved as likewise the Rights of all Bodies Corporate and Politick and all other persons whatsoever, anything to the contrary hereof in any wise notwithstanding.

AND for making this act more effectual, and that his Majesty may not be any longer delayed and kept out of his Rights

want of such Division and Partition of Lands as aforesaid and that the Inhabitants and proprietors may be encouraged to settle Cultivate and improve the same IT IS ALSO ENACTED by the authority aforesaid That if any person or persons Elected named and appointed or to be Elected named or appointed to assist or to do any office act or service in about touching or concerning the Partition laying out and dividing any the Lands Tenements or Hereditaments aforesaid shall deny neglect or refuse to perform and execute, all and every or any article thing or things by him or them by this Act, to be done performed and executed on such days times and in manner herein before expressed according to the true intent and meaning of this Act they and each of them so denying neglecting or refusing shall forfeit ten pounds current money of this Colony for every such denial neglect or refusal the one half thereof to be paid to the Treasurer for and towards the Support of this Government and the other half to the party who shall sue for the same by Action of debt in any of his Majesty's Courts of Record within this Colony

PROVIDED ALSO that nothing in this Act contained with respect to the Division of Lands shall be construed to extend or deemed to relate to any of the Common and undivided Lands of any Township within this Colony (excepting the Townships in the County of Albany)

THIS Act to be in force from the Publication thereof to the first day of January which will be in the year of our Lord One thousand seven hundred and sixty two, and from thence to the end of the then next Session of the General Assembly, of this Colony.

#### [CHAPTER 983.]

[Chapter 983, of Van Schaack, and chapter 62 (vol. 2) of Livingston & Smith, where the title only is printed. Continued by chapter 1022.]

An Act to prevent the Exportation of Provisions, Naval, and Warlike Stores from the Colony of New York to Cape Breton, or to any other the Dominions of the French King or places at present in possession of any of his Subjects.

[Passed. July 5, 1755.]

WHEREAS the Supplying the French with provisions, Naval, and Warlike Stores, in the present Situation of Affairs, may be



of Dangerous Consequence to the British Interest in North America: AND WHEREAS the Law lately made to restrain the same from this Colony is too much confined and limited to Answer the good ends and purposes thereby intended. WHEREFORE

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly And it is hereby Enacted by the Authority of the same That from and after the Publication of this Act no manner of Provisions Naval or Warlike Stores of any kind whatsoever shall be laden Shipped or put on Board any Ship or Vessel within this Colony by any Person or Persons whatsoever with intent to carry or Transport the same out of the said Colony to any port or place Whatsoever before the Master Owner or Owners of such Ship or Vessel shall have entered into Bond at the Custom House, or place where the said Vessel shall be cleared, unto his Majesty his Heirs and Successors in the penal Sum of one Thousand Pounds Current Money of this Colony with two Sufficient Securities with Condition to the following Effect to witt. The Condition of the above Obligation is such THAT WHEREAS A: B: Commander of the Ship or Vessel called the ———— now riding at Anchor within this Colony of New York, doth purpose to Land and take on Board his said Ship or Vessel Sundry Kinds and Quantities of Provisions and Warlike and Naval Stores, or some of them, according to a Manifest to be delivered into the principal officer or Officer of his Majesty's Customs Signed and Sworn to by the said Master at or before the Clearing of the said Vessel IF therefore the said Provisions Warlike and Naval Stores shall not be landed and put on Shore at any Port or place Subject to the French King or in any OTHER manner whatsoever delivered either by Land or by Water to the French King or any of his Subjects and the said A. B. shall return Certificate of his discharging the same Signed by the Governor or Commander in Chief or by the Chief Officer of the Customs Or an Affidavit of two English Merchants where there are no such Officers Established at the place or places where he discharged the same of the due landing thereof within twelve Months. That then the above Obligation shall be Void or else be and remain in full force and Virtue.

AND BE IT FURTHER ENACTED by the Authority aforesaid That if any Master Commander or Owner of any Vessel shall

lade Ship or put on Board any Provisions of any kind or any Naval or Warlike Stores before giving Bond as aforesaid or shall depart before delivery of a true Manifest of the Loading upon Oath or Affirmation or without such Vessel be first cleared out by the principal officers or officer of his Majesty's Customs such Master Commander or Owner shall forfeit One Thousand pounds Money aforesaid to be recovered in any Court of Record within this Colony where the same shall be Cognizable with Costs of Suit and that two third parts thereof shall be to the use of the informer or Prosecutor and the other Third shall be paid into the provincial Treasury to be applyed to the Sup- and all laws relating to the construction of main and latera.

BE IT FURTHER ENACTED by the Authority aforesaid that if the Collector or other Officer or Officers of his Majesty's Customs within this Colony shall clear out any Vessel so laden as aforesaid without such Bond and Manifest being given as herein before is directed he or they so neglecting or Offending shall each forfeit the Sum of One Thousand pounds Money aforesaid to be Recovered with Costs of Suit as aforesaid and to be applyed in like manner as the other penalty herein before mentioned is Ordered to be applied.

BE IT FURTHER ENACTED by the Authority aforesaid that the Collector or other Officer or Officers of the Customs as aforesaid shall and may receive for Administring the Oath or Affirmation and drawing taking and cancelling the Bond aforesaid the Sum of Four Shillings.

PROVIDED ALWAYS AND BE IT ENACTED by the Authority aforesaid that IF any Provisions concerning which Bond shall be so given as aforesaid shall be Landed or put on Shore at any port Harbour or place belonging to the King of Spain, or delivered to any of his Subjects on the Spanish Coasts, and such Certificate or Affidavit as aforesaid cannot be obtained of the Landing or delivery thereof. In every such Case the Affidavit of the Mate and two of the Sailors belonging to the Vessel in which such Provisions were laden; shall be deemed a sufficient discharge of the Bond entered into by Virtue of this Act, and on producing such Affidavit to the proper Officers or Officer, the said Bond shall be Cancelled accordingly any thing hereinbefore contained to the Contrary thereof in any wise notwithstanding

AND BE IT FURTHER ENACTED by the Authority aforesaid That AN ACT of the Governor Council and General Assem-



bly of this Colony Intituled [An Act to restrain the sending of Provisions to Cape Breton or any other French Port or Settlement on the Continent of North America or Islands nigh adjacent thereto] made and Published the nineteenth day of February now last past, And also the Act made to continue the same Act, And each of them, shall be and hereby are repealed and made Null and Void, and that this Act shall continue and be of force from the Publication thereof for one whole Year and no longer.

## [CHAPTER 984.]

[Chapter 984, of Van Schaack, and chapter 63 (vol. 2) of Livingston & Smith, where the title only is printed.]

An Act for providing for Several Service Necessary towards Carrying on the Enterprize of Erecting one or more Forts at or Nigh Crown Point and other purposes therein Mentioned.

[Passed, July 5, 1755.]

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the authority of the Same that the Treasurer of this Colony Shall and he is hereby directed and required out of the Residue of the Money lodged in the Treasury by Virtue of an Act Entituled "An Act for Paying and Subsisting Eight Compleat Companies of one Hundred effective Men each Officers included to assist in Conjunction with the Neighboring Colony's in Erecting one or more Forts Nigh Crown Point within his Majesties Dominions; For Raising the Sum of Ten thousand Pounds for and towards the Said Service, and for Making Current Bills of Credit to the amount thereof and other the purposes therein Mentioned" To Pay unto Oliver De Lancey Esquire the sum of Eighteen hundred pounds to be by him laid out in the purchasing of Eight hundred Stand of Arms for the use of the Force raised by this Colony on the Enterprize of Erecting one or more Forts at or Nigh Crown Point

UNTO the Said Oliver De Lancey for purchasing Sundry other Articles necessary in Carrying on the Expedition to Crown Point not yet provided for by Act the Sum of One thousand and Sixty one Pounds.

OF the disposition of which Said Sums the Said Oliver De Lancey Shall render True and just accounts on Oath to his Honour the Lieutenant Governor, or Commander in Chief for the time being the Council or General Assembly when by them or any of them thereunto required

AND be it further Enacted by the authority Aforesaid that the Treasurer shall out of the aforesaid Fund Pay unto Major General Johnson or his order the following sums of money Viz't.

The Sum of Three thousand Nine hundred and Forty four pounds for Paying for all the Articles already provided on the part of this Colony towards Supplying a proper Train of Artillery for the Expedition to Crown Point and for Such other Articles and Services as are Requisite and Necessary for Supplying the Said Train and Conveying the Same to Crown Point and all Incidents Attending the Same.

The Sum of Four hundred and fifty Seven pounds for the use and Service of the Indians who Shall engage in the Said Expedition to Crown Point.

Of the Disposition of which Aforesaid Sums the Said Major General Johnson Shall render true and just accounts on Oath to his Honour the Lieutenant Governor or Commander in Chief for the time being the Council or General Assembly when by them or any of them thereunto Required

UNTO the Said Major General Johnson the Sum of Fifty Pounds as the proportion of this colony towards furnishing and Supplying his Table during the Said Expedition.

AND be it further Enacted by the authority Aforesaid that the Treasurer of this Colony Shall out of the aforesaid Fund Pay the Several following Sums VIZT

UNTO his Excellency Major General Braddock or his order the Sum of one hundred and Seventy four Pounds Ten Shillings and Eleven pence New York Currency being the just Quota or Share of this Colony According to the proportion Settled by the Commissioners at Albany in the Year One thousand Seven Hundred and fifty four of the Sum of Eight Hundred pounds Sterling Advanced by his Said Excellency for Presents to the five Nations and other Indians in his Majesties Interest and lodged in the Hands of Collo William Johnson for that purpose



UNTO his Honour the Lieutenant Governor for the Expence of his Journey to Alexandria in Virginia to meet and Confer with his Excellency Major General Braddock the Sum of Two hundred pounds

UNTO Oliver De Lancey Esquire for the Expences of his Journey into the Colony of Connecticut to obtain of them the liberty of Raising Men there for the use of this Colony on the aforesaid Enterprize the Sum of Twenty Two Pounds.

UNTO James Parker for providing Six Ream of Paper of which to Print the Bills of Credit of this Colony Emittid by two late Acts And a proper plate for impressing Some of the Said Bills the Sum of Fourteen Pounds Ten Shillings

UNTO Colonel William Cockeroff, Colonel of the Regiment of this Colony on the Expedition to Crown Point for Supplying and Furnishing his Table the Sum of Fifty Pounds.

UNTO Major Eleazar Fitch, Major of the Said Regiment for furnishing him with Proper Stores for his use during the Said Expedition the Sum of Thirty Pounds.

UNTO Doctor Peter Middleton appointed to attend the Regiment of this Colony on the Expedition to Crown Point as Physician and Surgeon the Sum of Seventy Two pounds One Shilling to Supply him with proper Medicines and Instruments for the said Service over and Above the Sum of Sixty Pounds already provided for that Service

UNTO Philip Verplanck Esquire for his Service in Viewing and surveying the Ground and Making Plans of a Fort or Forts which were to be Erected at Kinderhook Albany and Schenectady the Sum of Thirty Pounds

AND be it further Enacted by the Authority Aforesaid that the Treasurer Shall Pay the Aforesaid Several Sums of Money at Such times and in Such proportions as Shall be directed by his Honour the Lieutenant Governor or Commander in Chief for the time being by and with the advice and Consent of His Majesties Council.

AND be it further Enacted by the Authority Aforesaid That the Treasurer Shall keep exact Books of all the Payments he is directed to Make by this Act and render true and Just accounts thereof on Oath to the Lieutenant Governor or Commander in Chief for the time being The Council or General Assembly when by them or any of them thereunto required.

AND be it further Enacted by the Authority Aforesaid That John De Peyster and Philip Schuyler Esquires Paymasters and Commissary's at Albany to the Forces raised in this Colony on the Expedition to Crowa Point Shall out of the money's directed to be paid to them Pay unto Such Artificers as Shall be employed in Erecting Such Forts or Fortifications as may be found Necessary for Carrying on the Expedition to Crown point a Sum not exceeding Fifty Pounds on Certificate from the proper officer or officers who may have the same in Charge

UNTO Such officer as Shall be appointed Quarter Master to the Regiment of this Colony the Sum of Four Shillings per Day over and above his other pay. And

UNTO one Armourer or Gunsmith to attend the Regiment of this Colony during the Said Expedition a Sum not Exceeding Five pounds per Month.

AND be it further Enacted by the authority Aforesaid That Hans Hansen and John Cuyler Esquires Shall be and hereby are impowered and Authorized to take into their Care and Charge one third part of the Provisions Allowed by the Colony of Pennsylvania for the Service of the Expedition to Crown Point, which are agreed and Ordered by his Excellency Governor Shirley to be delivered for the use of this Colony Which Said Provisions Shall be and remain in their Care and Custody Untill the Same be disposed of by Some Act or Acts hereafter to be passed for that purpose.

#### [CHAPTER 985.]

[Chapter 985, of Van Schaack, and chapter 64 (vol. 2) of Livingston & Smith, where the title only is printed. See chapter 963.]

An act to Revive an act Entitled "An Act for Raising the Sum of One thousand one hundred and Twenty five pounds by a publick Lottery for a further provision towards founding a College for the advancement of Learning within this Colony" with Some Alterations thereto.

[Passed, August 14, 1755.]

WHEREAS an act Entitled "An Act for raising the Sum of one thousand one hundred and twenty five Pounds by a Publick Lottery for a further Provision towards founding a



"College for the advancement of Learning within this Colony" passed and Published the Seventh Day of December One thousand Seven hundred and fifty four expired by its own Limitation on the first Tuesday in June in the present Year One thousand Seven hundred and fifty five. AND WHEREAS the Mayor Aldermen and Commonalty of the City of New York by their humble Petition have Prayed that they may have leave to raise by a publick Lottery a Sum of Money to be Appropriated and Applied towards Payment of the Debts due and owing by them Occasioned by their Sending for one Thousand Stand of Arms in order to furnish their Poor Inhabitants with in case of invasion Insurrection or other Exigence And the General Assembly Conceiving the Aforesaid Request to be Reasonable

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly And it is hereby Enacted by the Authority of the Same that the above Mentioned Act Entituled "An Act for Raising the Sum of one Thousand One hundred and Twenty five Pounds by a Publick Lottery for a further Provision towards founding a College for the advancement of Learning within this Colony" (Except such parts thereof as are herein After Mentioned) Shall be and hereby is Revived and every Clause Article and thing therein Contained Except as is herein After excepted, Enacted to be and Remain in full force and Virtue to all intents Constructions and purposes whatsoever untill the last Tuesday in the Month of November Next

AND be it further Enacted by the Authority Aforesaid that the Several Clauses of the Above Mentioned Act where the Matters and things therein Contained are Required to be done and performed on or before the first Tuesday in June last Shall be and hereby are extended and enlarged to be done acted and performed on or before the last Tuesday in November Next Aforesaid

AND be it further Enacted by the authority aforesaid that the Several deductions of Fifteen per Cent upon the whole Number of Fortunate Tickets Shall be paid by the managers of the Said Act mentioned into the hands of the Mayor Aldermen and Commonalty Aforesaid to be by them employed and Applied towards Payment of THE Debt by them Contracted Aforesaid and to no other use or Purpose whatsoever Out

which Sum Nevertheless there Shall be allowed by the Said Mayor Alderman and Commonalty in Case the Lottery be Actually Drawn the following Sums VIZ't To each of the Said Managers in the above Act Named the Sum of Fifty Pounds To each of the Two Clerks Six Shillings per Diem for every Day they shall be Actually employed in the Said Drawing To each of the Two Persons who Shall draw the Tickets Three Shillings per Diem for every Day they Shall be So employed and all Reasonable Charges for Printing Books Tickets and Advertizements and Such other Incidents as May Necessarily be Required in the Said Lottery.

## [CHAPTER 986.]

[Chapter 986, of Van Schaack, and chapter 65 (vol. 2) of Livingston & Smith, where the title only is printed.]

An Act for Selling the Provisions belonging to this Colony in the Hands of Hans Hansen and John Cuyler Esquires at Albany.

[Passed, August 14, 1755.]

WHEREAS the provisions belonging to this Colony and lodged in the hands of Hans Hansen and John Cuyler at Albany are not wanted for the Provincial Forces of this Colony and may be greatly impaired in their goodness and depreciate in Value if they Continue too long in Store

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same. That it Shall and may be lawfull for the Said Hans Hansen and John Cuyler or either of Them together with Oliver De Lancey Esq's to Sell and dispose of all the Said Provisions for the benefit of this Colony in Such Manner as the Lieutenant Governor or the Commander in Chief for the time being with the advice and consent of the Council Shall order and direct and out of the money Arising by the Sale thereof The Said Oliver De Lancey Shall provide for the Transportation of Colonel Dunbar and the Forces under his Command from this City to Albany and fresh provisions for them during their passage in case they continue their Rout to Albany And all the Residue of the Money Arising by the Sale Aforesaid Shall Remain in the hands of the Said Oliver De Lancey Esquire untill the Same be disposed of by Act or Acts hereafter to be passed for that purpose.



## [CHAPTER 987.]

[Chapter 987, of Van Schaack, and chapter 68 (vol. 2) of Livingston Smith, where the title only is printed. See chapter 977.]

An Act to Explain part of a Clause of an act intituled an act for paying and Subsisting Eight Compleat Company's of one hundred Effective men Each officers included to assist in Conjunction with the Neighbouring Colonie in Erecting one or more forts nigh Crown point within his Majestys Dominions for raising the Sum of Ten thousand pounds for and towards the Said Service and for making current bills of Credit to the amount thereof and other purposes therein mentioned

Passed, September 11, 1753]

WHEREAS by an act passed in the twenty Eighth year of his Majestys Reign Entituled an act for paying and Subsisting Eight Compleat Companys of one hundred Effective men Each officer included to assist in Conjunction with the Neighbouring Colonie in Erecting one or more forts nigh Crown point within his Majestys Dominions for raising the Sum of Ten thousand pound for and towards the Said Service and for making current bill of Credit to the amount thereof and other the purposes therein mentioned, it was among other things Enacted that for the punishment of mutiny and Disertion a Court Martial shall be held Constituted and appointed and have like powers, And proceed in like manner as Courts Martial held Constituted and appointed for trying Such offenders among his Majesty Standing forces AND WHEREAS Some doubt may arise as to the manner of Constituting Such Courts martial FOR the removing whereof Be it Enacted by his Excellency the Governor the Council and General Assembly And it is hereby Enacted by the authority of the Same That a Court Martial for the tryal of offenders against the Said act Shall and may be Constituted appointed and held by Commission from the Governour Or Commander in Chief for the time being under the Great Seal of this province.

## [CHAPTER 988.]

[Chapter 988, of Van Schaack, where the title only is printed. Chapter 67 (vol. 2) of Livingston & Smith, where a portion of the act is printed.]

An Act for Raising the Sum of Eight Thousand Pounds to be Contributed to the Colony of Connecticut towards the Expence of a Reinforcement of Two Thousand effective Men now levying in the Said Colony for the Army destined Against Crown Point under Major General Johnson and for Emitting Bills of Credit to the amount of the Said Sum of Eight Thousand Pounds for making immediate payment

[Passed, September 11, 1755.]

WHEREAS the Colony of Connecticut are Raising a Reinforcement of Two Thousand Men for the Assistance of the Army under Major General Johnson destined against Crown Point and it being conceived highly Reasonable that this Colony Should Contribute toward the Expence of the Said Reinforcement

BE IT ENACTED by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that there Shall be raised by a Tax on all Real and Personal Estates in this Colony the Sum of Eight Thousand Pounds to be Contributed towards the Expence of a Reinforcement of Two thousand effective Men for the assistance of the Army under Major General Johnson destined against Crown Point Which Said Sum of Eight Thousand pounds Shall be assessed Raised and levied upon the Estates Real and personal of all and every the Freeholders Inhabitants and Residents within this Colony and Shall be Collected and paid in manner following That is to Say The Sum of One thousand Six hundred Pounds on or before the first Tuesday in November which will be in the Year of Our Lord One thousand Seven hundred and Fifty Six The like Sum of One thousand Six hundred Pounds on or before the first Tuesday in November which will be in the Year of our Lord one thousand Seven hundred and Fifty Seven The like sum of One thousand Six hundred Pounds on or before the first Tuesday of November which will be in the Year of Our Lord one thousand Seven hundred and Fifty Eight The like Sum of one thousand Six hundred



Pounds on or before the first Tuesday in November which will be in the Year of our Lord one thousand Seven hundred and fifty Nine And the like sum of one thousand Six hundred Pounds on or before the first Tuesday in November which will be in the Year of our Lord One thousand Seven hundred and Sixty Which Said Several Sums of one thousand Six hundred Pounds hereby appointed to be paid on the Days and times before mentioned Shall be Yearly raised levied and Paid by the Freeholders Inhabitants and Residents in the Several and Respective City's and Counties within this Colony during the Five Years above mentioned according to the Quota's and Proportions following That is to Say

IN the City and County of New York the Sum of Five hundred Thirty three pounds five Shillings and Seven pence farthing Yearly and every Year during the Said Five Years.

IN the City and County of Albany the Sum of Two hundred Sixty Six pounds ELEVEN Shillings and two pence Farthing Yearly and every Year during the Said Five Years

IN Kings County the Sum of Sixty Eight Pounds Nineteen Shillings and two pence farthing Yearly and every Year during the Said Five Years.

IN Queens County the Sum of one hundred Forty two pounds fourteen Shillings and four pence three farthings Yearly and every Year during the Said Five years.

IN Suffolk County the Sum of One hundred and Twenty Two Pounds fourteen Shillings and four pence three farthings Yearly and every Year during the Said Five Years.

IN Richmond County the Sum of Forty three pounds Seven Shillings and two pence Farthing Yearly and every Year during the Said Five Years.

IN Westchester County the sum of one hundred Forty two pounds fourteen shillings and four pence three farthings Yearly and every Year during the Said Five Years

IN Ulster County the sum of one hundred and Twenty two pounds fourteen Shillings and four pence three farthings Yearly and every Year during the said Five Years.—

IN Dutchess County the Sum of one hundred and fourteen pounds One Shilling and Eight pence Yearly and every Year during the Said Five years.

AND in Orange County the sum of Forty two Pounds Seventeen Shillings and seven pence Yearly and every Year during the Said Five years.

AND to the end the full Sum intended to be Raised by this Act may be effective and Complete BE IT ENACTED BY THE AUTHORITY AFORESAID That over and Above the Several Quota's above mentioned there Shall be raised assessed levied and Collected the Respective Sums following That is to Say On the Quota for the City and County of New York the sum of Nine pence over and above every Pound to be retained in the hands of the Several Collectors as a Reward for their trouble in Collecting and paying the same to the Treasurer of this Colony And on the Quota's for the City and County of Albany and all the other Counties in this Colony the sum of One Shilling over and Above every Pound out of which the Several Collectors may Retain in their hands the sum of Nine pence on each Pound for Collecting and paying the same to the several County Treasurers and the Remaining three Pence the County Treasurers Respectively may Retain in their hands as a Reward for their Trouble and Service in Receiving and paying the monies Arising by this Act to the Treasurer of this Colony

AND to the end that the assessments may be made in Such Convenient time by the assessors that the Sums intended to be Raised by this Act may be Collected and paid at the Times herein after mentioned and appointed and that assessments may be true Equally and impartially made as of Right they ought to be BE IT ENACTED by the authority aforesaid That the Mayor Recorder and aldermen of the City and County of New York or the greater part of them for the time being Shall Meet and Assemble at the City Hall of the Said City on the first Tuesday in June IN every Year during the said Five Years and then and there issue their Warrants to the Several and Respective assessors of the Said City and County to take a true and Exact account of all the Estates Real and Personal of all the Freeholders Inhabitants and Residents within the Several Wards of the Said City and County for which they at the time of Issuing Such Warrants Shall be Assessor or Assessors and a true equal and impartial Assessment to make and the Same at a Day in the Said Warrants to be prefixed by the Mayor or Recorder and Aldermen or the Major part of them then Met to Exhibit And when the Said Assessments are by the Said Assessors Completed and a full account of the Same fully Cast up according to the pound Value of the Said Estates So that the Quota with the allowance for the City and County of New York be apparent and Made Known Then the Said Mayor



Recorder and aldermen or the Major part of them Shall issue their Warrants to the several and Respective Collectors within the Said City and County to Collect the Quota with the allowance by this Act directed And that the Same be Paid unto the Treasurer of this Colony on or before the first Tuesday in November Yearly and every Year during the Said Term of Five Years.

AND in order that the assessments may be truly equally and impartially made and done BE IT ENACTED BY THE AUTHORITY AFORESAID That every Assessor that Shall be Chosen and Elected within the City and County of New York during the Term Aforesaid Shall before he enters upon the performance of the Duty and Service required of him by this Act take an Oath upon the Holy Evangelists of Almighty God in the Words following to Wit—I A. B, do swear that I will well and truly equally and impartially and in due proportion according to the best of my Skill Knowledge and understanding Assess and rate all the Freeholders Inhabitants and Residents of the Ward for which I am Chosen Assessor Which Oath the Said Mayor Recorder and Aldermen or the Major part of them So met are hereby impowered required and directed to Administer

AND for the effectual assessing Collecting and paying the Respective Quota's for the City and County of Albany and all the other Counties in this Colony together with the before Mentioned allowance to the Collectors and County Treasurers Be it Enacted by the authority Aforesaid That the Supervisors of the Said City and County and of all the other Respective Counties in this Colony or the Major part of them Respectively Shall meet on the first Tuesday in June in every Year during the Said term Where the Majority of Supervisors then met Shall cause the Respective Quota's and allowances aforesaid of each County to be raised assessed Levied and Collected in the Same manner as the other Necessary and Contingent charges thereof are And the Respective Collectors are hereby Required and enjoined to Pay the Respective Quota's to be by them Collected unto the Respective County Treasurers on or before the first Tuesday in October Yearly and every Year during the Said Term And each of the Said County Treasurers ARE hereby enjoined and Required to Pay the Respective Quota's of their Counties to the Treasurer of this Colony on or before the first Tuesday of November then next following during the said Term

AND be it further Enacted by the Authority Aforesaid That in case any of the Collectors Shall Neglect or delay to Make their Respective payments to the Respective County Treasurers for the Space of three Months Next after the times appointed by this Act The Said County Treasurers Shall be and hereby are enabled directed and Required to commence actions in their own Names Respectively for the Said Sum or Sums or Such part thereof as Shall be then unpaid in the County Court where Such default Shall happen and Prosecute the same to effect And in Case any of the Respective County Treasurers Shall Neglect their Respective Duties herein all Such Sum or Sums of money Shall be deemed taken and Esteemed assets in their hands Respectively and they Shall be charged therewith as having Received the Same by the Treasurer of this Colony Who Shall be and hereby is enabled directed and Required in his own Name to commence Actions for the Same in the Supreme Court of this Colony within one Month after Such default made by any of the County Treasurers Respectively and prosecute the Same to effect And in case the Treasurer of this Colony Shall Neglect his duty herein All Such Sum or Sums of Money So being unpaid Shall be deemed taken and esteemed assets in his hands and he Shall be Chargeable therewith as if he had actually received the Same And in case any of the Collectors of the City and County of New York Shall Neglect or delay Making their Payments of the Aforesaid Tax for one Month after the times directed by this Act the Said Treasurer Shall be and hereby is enabled directed and Required in his own Name to Commence Actions Against Such Defaulter or Defaulters and prosecute the Same to effect and in default of Such prosecution the money So unpaid Shall be demed taken and Esteemed Assets in his hands as if he had Actually Received the Same Any Law Usage or Custom to the Contrary Notwithstanding

AND be it Enacted by the Authority Aforesaid That Such Mayor Recorder Aldermen Supervizors Assessors Collectors or County Treasurers within this Colony as Shall deny Refuse Neglect or delay to do perform and Execute all or any of the powers Duties and Authority's by this Act Required of him or them to be done and Shall be thereof Lawfully Convicted in any of his Majesties Courts of Record he or they Shall Suffer Such pains by fine and imprisonment as by the discretion of such Court or Courts Shall be Adjudged



AND be it Enacted by the Authority Aforesaid That the Treasurer of this Colony Shall Pay the Said Sum of Eight thousand Pounds unto Such person or Persons as the Governor of the Colony of Connecticut Shall appoint to Receive the Same Which Said Sum the Said Treasurer Shall pay at Such times and in Such proportions as his Excellency the Governor or Commander IN cheif of this Colony for the time being by and with the advice and Consent of his Majesties Council Shall Judge proper and Expedient having Respect to the Number of effective Men actually Raised and employed in Reinforcing the Army destined against Crown Point as Aforesaid

AND be it Enacted by the Authority Aforesaid That in case it Should So happen that no part of the Aforesaid Forces or part only thereof be actually employed in a Reinforcement of the Army under Major General Johnson Then and in Such Case either the Whole of the Aforesaid Sum of Eight Thousand Pounds or Such part thereof as Shall be unimployed for the purposes Aforesaid Shall Remain in the Treasury to be disposed of by Act or Acts hereafter to be passed for that purpose.

AND be it further Enacted by the Authority Aforesaid That the Treasurer Shall keep exact Books of all his Receipts and payments by Virtue of this Act and a true and exact account Shall Render thereof on Oath to his Excellency the Governor or Commander in Cheif for the time being the Council or General Assembly when by them or any of them thereunto required.

AND as it is impracticable to have the aforesaid Sums of Money Collected So Soon as the present Exigencies require the General Assembly Pray that it may be Enacted and BE IT ENACTED BY THE AUTHORITY AFORESAID That for making immediate Payment for the Service aforesaid Bills of Credit to the value of Eight Thousand Pounds be forthwith Printed made and Issued upon the Credit of the Money to be raised and Levied by Virtue of this Act and lodged in the Treasury for that purpose That is to Say Two hundred Bills of Ten pounds each Three hundred Bills of Five Pounds each Three hundred Bills of Four Pounds each Three hundred Bills of Three Pounds each Three hundred Bills of Two Pounds each One Thousand Bills of Twenty Shillings each One Thousand Bills of Ten Shillings each and One Thousand Two hundred Bills of Five Shillings each Upon each and every of which Bills Shall be impressed on the Right Side thereof the Arms of the City of New York and

under the Arms in different Characters these Words ITS DEATH TO COUNTERFEIT THIS BILL Which Bills Shall be in the Form following that is to Say

BY a Law of the Colony of NEW YORK this Bill Shall pass current for NEW YORK the Fifteenth Day of September One thousand Seven hundred and Fifty Five.

Which Bills Shall be Signed by Messieurs Frederick Philipse Philip Livingston Beverly Roberson and Leonard Lispenard or any three of them and be numbered by one of them And in case of the Death of any of the Said Persons the Said Bills Shall be Signed by the Majority of the Survivors of them.

AND be it Enacted by the Authority Aforesaid That Abraham De Peyster the present Treasurer of this Colony in whose hands the Stamps of the Arms of the City of New York and the other plates are deposited Shall in the presence of the Signers Aforesaid or THE major part of them deliver unto James Parker the Said Stamps and Plates who is hereby appointed to Print the Said Bills and on them to impress the Said Arms and Plates Which when done the Said James Parker Shall redeliver to the Said Treasurer the Said Stamps and Plates in the presence of the Signers Aforesaid or the Major part of them And the Receipt of the Said Treasurer Shall be to the Said Printer a Sufficient discharge for the Same And the Said Printer is hereby Required and directed to deliver to the Signers hereby Appointed to Sign the Said Bills every Bill of Credit by him Printed And Shall upon his delivery of the Said Bills take an Oath in the Words following VIZt;

I A. B. do declare That from the time the Letters were Set, and fit to be put into the Press, for Printing the Bills of Credit now by me delivered to you, untill the Bills were Printed, and the Letters Afterwards distributed into the Boxes, I went at no time out of the Room in which the Said Letters were, without Locking them up, So that they could Not be come at without Violence, a false Key, or other Art then unknown to Me; and therefore to the best of my knowledge, no copies were Printed off but in my presence; and that all the Blotters, and other Papers whatsoever impressed by the Said Letters, Whilst Set for Printing the Said Bills, to the best of my Knowledge, are here delivered unto you, together with the Stamps; And in all things relating to this affair I have Well and truly demeaned



my Self, according to the True intent and Meaning of the Law in that case made, to the best of my Knowledge and understanding.

Which Oath all or any of the Said Signers are hereby empowered directed and required to Administer

AND be it Enacted by the Authority Aforesaid That the Persons herein Appointed to Sign the Said Bills of Credit Shall take an Oath before a Magistrate of the City of New York each of them Well and truly to perform what by this Act they are enjoined as their duty and will Knowingly Sign No More Bill of Credit than as by this Act is directed And if it Shall happen that any supernumerary Bills Shall be left After the Said Number Shall be delivered to the Said Treasurer in manner Aforesaid all Such Supernumerary Bills Shall be burnt and destroyed by the said Signers or the Major part of them or by the Majority of the Survivors of them in the presence of the Treasurer of this Colony

AND be it Enacted by the authority Aforesaid That the Bill of Credit Enacted and Appointed by this Act to be Current Shall be received by the Treasurer of this Colony in all publick Payments and for any Fund at any time in the Treasury and by any Person within this Colony in all cases whatsoever during the time they are Enacted to Continue and be as effectually Current as any other Bills of Credit made Current in this Colony by any Act of the Governor Council and General Assembly.

AND be it Enacted by the Authority Aforesaid That if any Person or Persons WHATSOEVER Shall counterfeit any of the Bills of Credit made Current by this Act or Shall Alter any of the Said Bills made Current as aforesaid So that they Shall appear to be of greater Value than by this Act the Same Bill or Bills So altered were Enacted Signed or Numbered to pass Current for or Shall Knowingly pass or give in payment any of the Bills Aforesaid so Counterfeited or Altered every Person guilty of Counterfeiting or Altering any of the Said Bills as Aforesaid or of Knowingly passing or giving in payment any Such Counterfeit or Altered Bill Shall be guilty of Felony And being thereof Convicted Shall Suffer the Pains of Death without benefit of Clergy And tho' Such Counterfeiting Altering or knowingly passing Counterfeit or Altered Bills Shall be done out of this Colony Yet any Grand Jury within the City and County of New York is hereby empowered to present the Same and to Set forth

in the indictment the place where by their Evidence it appeared that the fact was committed Which Indictment is hereby declared good Notwithstanding that the place Alledged be out of this Colony And the petty Juries on the Tryal of all Such Issues Shall be returned from the Body of the City and County of New York Any Law Usage or Custom to the Contrary Notwithstanding

AND be it Enacted by the authority Aforesaid That the Treasurer of this Colony Shall be and hereby is Required and directed upon no account Whatsoever to issue or give in Payment any of the Bills of Credit made Current by this Act any otherways than as hereby directed or as Shall be directed by any Act or Acts hereafter to be passed for that Purpose.

AND be it Enacted by the Authority Aforesaid That the Bills of Credit made Struck and Issued by Virtue of this Act Shall be and Remain current untill the first Tuesday in November Which will be in the Year of our Lord one thousand Seven hundred & Sixty one

AND be it Enacted by the Authority Aforesaid That as the Money to be Raised levied and Collected by Virtue of this Act Shall be paid into the Treasury the Treasurer of this Colony for the time being Shall be and he is hereby directed and Required to use his utmost endeavors to Exchange the Same for Bills of Credit made Current by this Act Which Said Bills So procured Shall be kept in the Treasury ready to be Canceled in manner as is directed in and by an Act Entituled "An act for the more effectual Canceling the Bills of Credit of this Colony" Passed in the Twenty first Year of his Majesties Reign.—

#### [CHAPTER 989]

[Chapter 989, of Van Schaack, and chapter 68 (vol. 2) of Livingston & Smith, where the title only is printed. Revived by chapter 1014.]

An Act more effectually to restrain the  
Exportation of Provisions and Warlike Stores  
from the Colony of New York.

[Passed, September 11, 1755.]

WHEREAS Representations have come from Admiral Boscawen and the Commander in Chief of Nova Scotia and the Governor of the Massachusetts Bay to the Commander in Chief of this Colony Setting forth that all Ways and means for the French



to come at Provisions Should as far as possible be cut off  
AND WHEREAS one Act for that purpose Already passed  
and now Subsisting in this Colony has not fully Answered the  
Purposes intended thereby Therefore for the more effectually  
Obstructing any Supplies of Provisions or Warlike Stores while  
the French may have from this Colony

BE IT ENACTED by his Excellency the Governor the Council  
and the General Assembly and it is hereby Enacted by the  
authority of the the same That the Collectors of his Majesties  
Customs of the Port of the City of New York or of any Other  
Port within this Colony Shall not Clear any Vessel laden in  
part or wholly with Provisions or Warlike Stores except so  
much only as may be for the proper use of Such Vessel or  
Vessels And except Vessels bound to the Bay of Honduras  
which Shall be allowed to carry any Quantity of Provisions not  
exceeding Seven Tons each the Stores of the Vessels included.

BUT WHEREAS it is Absolutely Necessary that Provision  
be allowed to be carried to Nova Scotia as well for the Refreshment  
and Subsistence of his Majesties Troops as for the use of  
Such of his Majesties Ships as may happen to be there.

BE IT ENACTED by the Authority Aforesaid That the Collector  
of his Majesties Customs of the Port of the City of New York  
or the Collector of any other Port of this Colony Shall be  
and hereby is permitted and allowed to clear out any Vessel or  
Vessels bound to Hallifax Annapolis or Chignecto in Nova  
Scotia the Master thereof first Making Oath that he is bound to  
either of the Said Places and no other and intends bona fide  
to land the whole of the Provisions laden on Board his Vessel  
there and in no other place Whatsoever and also giving Bond  
to the King in the penalty of one Thousand pounds Sterling  
with two Sufficient Sureties to land the whole of the Provisions  
laden on Board his Vessel at Hallifax Annapolis or Chignecto  
in Nova Scotia and in Six months from the date of Such Bond  
to Return a Certificate of the Landing of the Same from the Principal  
Officer of his Majesties Customs there to the Collector of  
the port of New York.

AND be it further Enacted by the Authority Aforesaid That  
in case Application be made from the Governors of any of the  
British Colony's to the Governor of this COLONY Setting forth  
the want of Provisions there and Requesting permission for  
reasonable Quantity's to be Shipt to them It Shall and may be  
lawfull for his Excellency the Governor or Commander in Chief

for the time being by and with the Advice and Consent of his Majestys Council on Such Application to Grant permission for a Reasonable Quantity to Supply the Necessity's of the people of such Colonies and in Such Cases the Certificate of Landing the Same Shall be from the Commander in Chief of Such Colony only

AND WHEREAS Contracts now are or may be with Some Merchants of this Colony for Supplying with certain Quantities of Provisions Some of the Garrisons of his Majesties good Ally the King of Spain the breach of which Contracts might not only be greatly prejudicial to the Merchants Contracting but to this Colony in General WHEREFORE BE IT ENACTED That upon Such Merchants Making Oath that the Quantity proposed to be Shipp'd is Agreeable to Such Contract and intended to be Bona fide Landed at Such Spanish Garrison It Shall and may be lawfull for his Excellency or the Commander in Chief for the time being by and with the advice of the Council to Grant permission Accordingly Such Persons giving Bond as aforesaid for the Returning a Certificate of the Landing Signed by the Commander in Chief of Such Spanish Garrison.

AND be it further Enacted by the Authority Aforesaid That this Act Shall be in Force from the Publication hereof untill the Eleventh day of October Next.

#### [CHAPTER 990.]

[Chapter 990. of Van Schaack, and chapter 69 (vol. 2) of Livingston & Smith, where the title only is printed. See chapter 973. Continued by chapter 1010. Provided for by chapter 1061.]

An Act to explain an Act intituled An Act to prevent infectious Distempers being brought into this Colony, and to hinder the spreading thereof.

[Passed, September 11, 1755.]

WHEREAS by an Act intituled An Act to prevent infectious Distempers being brought into this Colony and to hinder the spreading thereof which was passed the third day of May in the present year, amongst other things it is Enacted That if any Person or Persons shall come on Shore from such Vessels as are therein mentioned it shall and may be lawful by force and Violence to compel such Person or Persons to return on board the said Vessel, or to dispose of them in some other Place in order to prevent the Infection



AND WHEREAS Persons who may happen to be infected with any of the Distempers mentioned in the said Act though they belonged not to any Vessel, nor appeared to have been on board of any such Vessel are within the Reason of the above Clause for preventing the spreading of Infection

BE IT THEREFORE ENACTED by his Excellency the Governor the Council and General Assembly, And it is hereby enacted by the Authority of the same, that all Persons who may happen to be any way Infected with any of the Distempers mentioned in the said Act are and shall be also deemed within the meaning of the said Clause as fully as if they had been expressly mentioned therein.

PROVIDED always that the Powers given by this Act be not executed but by an Order to be previously obtained from the Governor or Commander in chief for the time being with the Advice and Consent of his Majesty's Council of this Colony.

[CHAPTER 991.]

[Chapter 991, of Van Schaack, and chapter 70 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapters 718, 791.]

An Act to revive an act Entituled An Act to Oblige all persons that Shall come to inhabit or Reside in the City of New York in order to expose any Goods Wares or Merchandizes to Sale at any time after the Annual Assessment made for the Tax for the Maintenance of the Minister and Poor of the Said City to Pay their due proportions towards the Same.

[Passed, September 11, 1755.]

WHEREAS an Act Entituled "An Act to oblige all Person that Shall come to inhabit or reside in the City of New York in order to expose any Goods Wares or Merchandizes to Sale at any time After the Annual Assessment made for the Tax for the maintenance of the minister and Poor of the Said City to pay their due proportions towards the Same" Passed in the Fifteenth Year of his present Majesties Reign did expire by its own Limitation on the Twenty-fifth day of March in the Year of our Lord One thousand Seven hundred and forty Five AND WHEREAS an act Passed in the Eighteenth year of his Majes

ties Reign to revive the Said Act did also expire by its own Limitation on the Twenty fifth day of March last and the Said Act having been found to have eased the Inhabitants of this City and it being conceived just and Reasonable that all Persons having the benefit of Trading Should also Contribute their proportion of the Said Tax

BE IT THEREFORE ENACTED by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the authority of the Same that the first mentioned Act Entituled "An Act to Oblige all Persons that Shall come to Inhabit or reside in the City OF New York in order to expose any goods Wares or Merchandizes to Sale at any time After the Annual Assessment made for the Tax for the maintenance of the Minister and poor of the Said City to Pay their due Proportions toward the Same" Shall be and hereby is Revived and every Article and Clause therein Contained to be of force from the publication of this Act.





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<b>Molasses:</b>		
act to regulate gauging . . . . .	1750	£
continued . . . . .	1752	£
<b>Money:</b>		
act relative to counterfeiting . . . . .	1745	£
to prevent importation of counterfeit half-pence and farthings . . . . .	1753	£
<b>Mortgages:</b>		
act to prevent frauds by mortgages . . . . .	1753	£
<b>N.</b>		
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Abel, Jacob . . . . .		10
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Andler, Moise . . . . .	623, 624,	£
Angle, Coenradt .. . . .		10
Antonidies, John . . . . .		7
Appler, Adam . . . . .		10
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Ayscough, John . . . . .	640, 722, 800, 801,	£
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Balding, Joseph . . . . .		7
Bamper, Lodwyck . . . . .		£
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Bancker, Christopher . . . . .		10
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